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# Massachusetts Historical Society

MAY-JUNE · 1912

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## MAY MEETING.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved; and the Corresponding Secretary, in the absence of the Librarian, read the list of donors to the Library during the past month.

The Cabinet-Keeper reported the gift of a photographic copy of the portrait of George Richards Minot, one of the founders of the Society, from Laurence Minot; of a Massachusetts State note of January 1, 1780, from JOHN D. LONG; and of a photographic copy of a miniature painting of William Hickling (1704-178-), from Miss Susanna Willard.

The Editor announced the following gifts of manuscripts:

From Miss Sarah H. Blanchard the papers of our late associate, Professor Henry W. Haynes, including his correspondence on archæological matters, his connection with various scientific societies, his diaries since 1873, and scrap-books containing much of his printed writings. At the end of his diary for 1876-1878 will be found a list of his printed articles and of the places where published from 1873 to 1911 — one hundred and forty-eight being thus enumerated.

From Miss S. J. Ballard, of Portland, Maine, some military papers of her great-grandfather, Major William Hudson Ballard, of Newburyport, Mass., containing, among others, his seven commissions (1775-1783), his oath of allegiance (1778), signed by Major-General Thomas Conway, four letters signed by Brigadier-General Stark, and others by Nathanael Greene and James Clinton, with two Massachusetts broadsides on recruiting orders (1775-1776). A biographical sketch of Major Ballard is with the papers; also a ms. sermon in shorthand by Rev. Thomas Allen (1743-1810), of Pittsfield, Mass., who served at the battle of Bennington.

From Miss Marion Walker Bond, of Hartford, Connecticut,

a collection of MSS. of the Chandler family of Andover, Mass. (1678-1830), with two account books and some printed material,

From Mr. and Mrs. Robert C. Rathbone, of New York, letters to Hugh Hall, a merchant of Boston, 1723-1747, and family letters of the Baury family, with an account of the military and naval service of the writers.

John Spencer Bassett, of Northampton, was elected a Resident Member of the Society.

William MacDonald, of Providence, Rhode Island, was elected a Corresponding Member of the Society.

The PRESIDENT reported from the Council the appointment of the following committees:

House Committee: Grenville H. Norcross, Samuel S. Shaw and Worthington C. Ford.

Finance Committee: C. F. Adams, Grenville H. Norcross and Charles P. Greenough.

The President appointed as the Committee to publish the *Proceedings* of the Society: C. F. Adams, James Ford Rhodes and Edward Stanwood.

It was voted that the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury, to be expended in such objects as to the Council of the Society may seem desirable.

Governor LONG, in behalf of Mrs. Francis H. Lincoln, of Hingham, presented the diary and record-book of the Rev. Peter Hobart, the first minister of Hingham. The entries extend from that giving his arrival in New England, June 8, 1635, to December, 1678, one month before his death. The record was continued by his son, Rev. David Hobart (1651-1717), by his grandson, Rev. Nehemiah Hobart (1697-1740) and others. It is one of the oldest manuscript records of this character in Massachusetts, and was known to Savage while he was compiling his *Genealogical Dictionary of New England*. The entries are summarized in the *New England Historical and Genealogical Register*, II. 250.<sup>1</sup>

<sup>1</sup> This MS. was in the keeping of William Bentley in the early part of the last century, as the following letter shows:

"Judge Story called upon me with your letter of the 27 ult. on Friday last, and I immediately attended to your request respecting Hobart's manuscript. It seems to have been a private diary, in which are to be found some dates recorded at the moment of event by Mr. Hobart, till his death in 1679, and then



## THE WILLARD PORTRAIT.

Miss Susanna Willard, of Cambridge, having expressed her desire to present to the Society a portrait of her father, Joseph Willard, this day was named for the presentation. Miss Willard and invited friends being admitted, the PRESIDENT said:

Writing in his *Diary* under date of Monday, 29 December, 1862, he then representing this country at the Court of St. James, my father made the following record: "Much absorbed by the painful intelligence from America of the wild slaughter, committed from mere military rashness. As yet the only victims personally known to me whose names I find are young Arthur Dehon, the son of William, a son of the worthy clerk of the Court, Joseph Willard, and the Rev. Arthur B. Fuller."

The "wild slaughter" here referred to, "committed from mere military rashness," was the battle fought at Fredericksburg on December 13, 1862. Joseph Willard was then a member of this Society, and as such, an associate of Mr. Adams. The event — the death of Major Sidney Willard — may be taken as the turning point in the life of the father, for in the Memoir of him submitted by the Rev. Charles Brooks, and printed in our *Proceedings*,<sup>1</sup> it is stated that, "After this [death of his son] Mr. Willard's health declined rapidly; and, although no murmur escaped his lips, yet the disease, which had heretofore only preyed upon his physical strength, assailed in turn his mind and benumbed his faculties, rendering their exercise a painful tax upon his bodily powers; until, after two years of suffering, death gently released the wearied spirit from its prison. He departed this life, May 12, 1865, at the age of sixty-seven years."

continued in his family. I found it at the house of Capt. Noah Hobart, shipwright in Salem, a descendant of the family. When I first saw it, it was delivered to me without any reluctance, and it was for several years in my hands. I afterwards lent it to W. Winthrop, Esq., of Cambridge, to assist his Catalogue of Cambridge Graduates. But when the ms. was known to be in existence, many enquiries gave it a value to the owner, which it never before had, and he now reclaims it and insists that it must be returned." *William Bentley to James Savage*, July 8, 1816. MS. *The Diary of William Bentley*, III. 282, contains extracts from the Hobart record and shows that Bentley received the Hobart ms. from Noah Hobart on Sunday, March 29, 1807.

<sup>1</sup> Vol. IX. 276.

This is the ninth of May. Forty-seven years lacking three days only have, therefore, elapsed since the death of Joseph Willard, whose portrait his daughter to-day presents to us. The giver of this portrait is here present, representing her father, her brother, and a historic family. It is no function of mine further to dilate on this interesting incident. A more detailed reference to the portrait is within the province of Mr. Norcross, the keeper of our Cabinet; while to speak of that manuscript life of General Knox, a description of which is to be found in the Memoir to which I have already alluded, will naturally devolve on our Editor. I, therefore, now on behalf of the Society accept these benefactions from the surviving representative of our former associate, and call first upon Mr. Norcross.

Mr. NORCROSS said:

In accepting this portrait of Joseph Willard it seems desirable again to place here a brief statement of the facts of his life and service to this Society. Joseph Willard, the youngest son of Joseph and Mary (Sheafe) Willard, was born in Cambridge March 14, 1798, while his father was President of Harvard College. He received his early education at Cambridge and Exeter, and was graduated at Harvard in 1816. He studied law in Amherst, New Hampshire, and in Cambridge, and later at the Harvard Law School, receiving the degree of LL.B. in 1819. After practising two years in Waltham he removed to Lancaster, and for ten years was there actively in practice.

In 1830 he married Susanna H. Lewis, daughter of Capt. Isaiah Lewis of Boston, and soon after removed to this city, where he continued in practice at the bar and as Clerk of courts almost until his death, May 12, 1865.

He was elected a Resident Member of this Society in 1829, was Librarian from 1833 to 1835, Recording Secretary from 1835 to 1857, and Corresponding Secretary from 1857 to 1864, when at the annual meeting Mr. Willard declined a re-election on account of his health after a continuous service in the Council of thirty-one years. The portrait now given to the Society by his daughter Miss Susanna Willard of Cambridge was painted by Mrs. Lilla Cabot Perry from a photograph taken in 1862 or 1863.



The EDITOR spoke as follows:

The record of American biography before 1880 is not one of great brilliancy. The autobiographies of Franklin and Heath are each noticeable, but for different reasons. The earlier attempts at biographical writing were tinged with misplaced admiration, rhapsodical digressions and not a little fiction. The perspective was wrong, the historical sense weak, and the material unappreciated. The patriotic feeling awakened by the two wars of Independence was strongly felt. The labors of Jared Sparks introduced a new element. While preserving the patriotic feeling, he developed the value of original material, and for a quarter of a century he issued volume after volume of such material, and encouraged the writing of biography. After Sparks there was little excuse for the older style of writing; at least he made it necessary to consult documents. Irving's *Washington* (1855-1859) may be regarded as the first product under the new influence — disappointing, because it was so evidently written under contract. Randall's *Jefferson* (1858) deserves mention for its merits, while McRee's *Iredell* (1857) was a welcome promise of future performance in the South. Parton's *Jackson* appeared in 1860. This awakening of a historical sense was checked by the Civil War, yet not wholly. Parton, "the great American romancer," issued his *Franklin* in 1864, Wells' *Samuel Adams* and Frothingham's *Warren* were published in 1865, and the lives of Nathanael Greene and of Timothy Pickering began to appear in 1867. The return of peace invited the completion of designs which had been held in suspense during the war. The older influences continued until 1880, when the more systematic study of history introduced new methods of treatment.

Biographies, of widely differing merits, had by this time been written of many of the leading characters of the War of Independence; but some of the better subjects had escaped attention, and among these were two of Massachusetts origin — Henry Knox and Benjamin Lincoln. Each deserved a full study as well for the personal character of the man, as for the admirable background he afforded for a description of social and military conditions. In each case the materials at hand were voluminous, original papers in large number.

The Knox papers were entrusted about 1844 to Mr. C. S. Daveis, of Portland, Maine, to enable him to prepare a "life" for Sparks' *American Biography*. Mr. Daveis was unable to proceed far in the work because of ill health, and in 1854 President Josiah Quincy, at the instance of Mrs. Thatcher, daughter of General Knox, asked Professor Bowen of Cambridge to undertake it on a large scale. The negotiations with Professor Bowen came to naught, and Mr. Quincy then turned to Mr. Willard. In July, 1854, Mr. Willard visited Thomaston, Maine, where many of the Knox papers were, held conference with Mrs. Thacher, and returned to Cambridge determined to write the life of Knox.

Some of the papers were in Portland, Maine, some in the Boston Athenæum and some in the Knox Mansion at Thomaston. These last, five boxes of manuscripts and newspapers, were shipped in August, 1856, on an "old and crazy" schooner of ninety tons, the *Henry Clay*, bound from Bangor, Maine, to Roxbury, Massachusetts, with a cargo of lumber. She met a heavy gale on August 19, sprung a leak which could not be met by the pumps, and the gale continuing, she became a total wreck, the deck separating from the hull. The crew saved nothing but what they stood in, so ran the newspaper account.<sup>1</sup> Mr. Willard, at the time in the White Mountains, was naturally anxious for the safety of the papers; but a few days after reading the news of the wreck he received letters from home telling him the boxes were at his house and but little injured. How they were saved is not related in the letters, but his daughter, Miss Willard, now with us, remembers handling the papers in their wet condition.

For nearly ten years he labored on the task, and until his health failed. A volume of his correspondence, now deposited, tells of his search for material, the connections he formed, and the encouragement he received. His industry is proved by the volumes of notes and the careful summary of letters. Copies or a brief account of papers now lost may here be found. The Knox papers themselves are at present on deposit with this Society, and Mr. Willard's note-books offer a full index to the contents of the fifty-five volumes.

As to the biography. The first or "rough draft," which con-

<sup>1</sup> *Boston Daily Advertiser*, August 28, 1856.

sists of notes and extracts in chronological arrangement, is complete in seven parts, and brings the subject to the death of Knox in 1806. The "revise" carries the narrative to 1794, while Knox was still Secretary at War. This relation is full and elaborately annotated; the then known sources of information had been diligently searched. Mr. Willard was no stranger to historical writing, but much remained to be done before the manuscript could be sent to the printer, and death prevented the author from doing what was necessary. It stands as an uncompleted work.

Judged by the standards of the time, it is an admirable work, worthy of careful preservation and certain always to be a source of information upon the career of Knox. Time has applied its merciless test, and the research of others in the last twenty-five years has discovered what must needs be incorporated into the Willard manuscript. The material required to give the work a modern setting was not known in his day, but when he laid down his pen he could with reason feel assured that he had painfully and conscientiously utilized what was then available; that in the historical light of his time he had every reason to believe that his volumes would be full, authoritative, final. The confidence was not misplaced. The record is for general purposes full and authoritative, and as such the Society welcomes the gift now made by the daughter of its former member and officer.

The PRESIDENT then called upon Mr. SANBORN, who said:

Your remark on the early and constant distinction of the Willards among American families of English origin, Mr. President, is specially true of those families resident in Concord. The first Major Willard, born at Hawkshurst in Kent, was in truth the founder of Concord as a settlement, though the foundation of it as a parish was due to its first pastor, Reverend Peter Bulkley of Odell in Bedfordshire; who not only came himself to reside there, but brought a large number of his English parishioners with him. Simon Willard had been here earlier, however, as an Indian trader, and the civil organization of the new town must have been largely due to him and his brethren of the laity, — whose names are perpetuated in the Homeric line of Emerson, all made of patronymics, —

Minott, Lee, Willard, Hosmer, Meriam, Flint,  
Possessed the land which rendered to their toil  
Hay, corn, roots, hemp, flax, apples, wool and wood.

As Major Willard afterwards founded two other thriving towns, Groton and Lancaster, we may fairly suppose him born to fulfil among men the function of Town-Founder, which has given a name to the legendary Romulus. Indian trader, Indian fighter, commander and magistrate, he may well be revered by his thousands of descendants, whom I have met in every profession and occupation, in all parts of the nation. Some five years ago, one of these, residing in England, where she had married, Mrs. Catharine Weed Ward, daughter of my good friends William Barnes and Emily Weed, and granddaughter of Thurlow Weed,—sent me from the church in Kent, where Major Willard was baptized, the record of his English ancestors, and photographs of the church and its inscriptions, which, at her request, I deposited in our Concord Public Library. In every generation of the three centuries of Concord's existence, this family, by its own names and those allied by marriage and descent, has achieved distinction in war and peace, but chiefly in letters and in law. The gentleman whose portrait the Society receives today, along with other memorials, from the ladies of his kindred, Joseph Willard of Boston, was known to me chiefly from his connection with an agreeable circle in Concord, and as the father of three graduates of our neighboring College, Sidney, Joseph and Robert Willard, one of them my classmate in the years 1852-1855. I met the father but occasionally, and had forgotten his manly presence and expressive features, until I saw them here faithfully reproduced today. That recalled to me at once not alone the man and his children, but the whole circle of those distant days in Concord, when, at the Old Manse, and the houses of Emerson and Alcott, I met, year after year, those residents and visitors of Concord, who live in my recollection as the most winning and memorable group of persons, increasing and varying year by year, with which I have associated in the long course of my life. It included genius, character and talent,—among its members were representatives of many States and countries, and the advocates of the most diverse opinions; but held together in the gentle bonds of mutual respect, deference and affection. Beauty and talent were not

lacking, wealth and honorable poverty mingled, as they ever do where the rules of really good society prevail, and the customs of plain living and high thinking are held in respect. Music and the arts were cultivated, learning was honored, but not overvalued, and the study of Nature went on under some of the most modest and original instructors. An old connection between two ante-Revolutionary families, the Bradfords and the Hicklings, had brought the Willards into association with the Concord Ripleys, — who in their turn were intermarried with the Waldo-Emersons of Concord, which had been their home for three generations. Then an intermarriage with Plymouth families brought to Concord the Goodwins and Watsons and Russells of the Old Colony, either as visitors or residents. Our associate, Professor Goodwin, *emeritus* of Harvard, was born in Concord, the son of a colleague-pastor of Rev. Dr. Ripley, and Miss Watson, whose father was a cousin of Col. George Watson of Plymouth. The Bradfords, of whom, in Concord, were Mrs. Samuel Ripley of the Old Manse, and her younger brother and pupil, George Bradford, uncle of our late associate Gamaliel Bradford, had their ancient home in Duxbury, adjoining Plymouth, where the Colonial Governor had resided. Another Concord family, the Whitings, was allied in England to the same St. John family of Bedfordshire, into which the Bulkleys had married; and still another family, the Hoars, was connected with Roger Sherman.

To these elements of New England origin in the society of Concord the Transcendentalist movement of 1836-1850 added others from various directions, — exiled Germans like Dr. Follen, self-exiled English scholars such as Arthur Hugh Clough, learned Hebrews like Emanuel Scherb, English mystics like Charles Lane, the associate of the Alcotts at Fruitlands; suspended students of Harvard from Virginia and the Carolinas; graduates of Brook Farm, such as George and Burrill Curtis, Hawthorne and the Barlow household; and the sibylline Margaret Fuller, whose sister had married Ellery Channing, and come with him to live near Emerson and Thoreau. Seldom has a small village in New England drawn together so variously gifted and strangely experienced a company of neighbors, with so many points of advantage and disadvantage, of sympathy and antipathy, — which the gifted writers among them did not

fail to describe and exaggerate. Sidney Willard, the eldest son of Joseph, was a classmate of Joseph Choate, since so distinguished, and of the late Professor James Thayer, who married the youngest child of the Old Manse, Sophia Ripley. He was an athlete, a lawyer, a chess-player, and, when the folly of the Carolina and Virginia slaveholders brought on the Civil War, a patriotic and effective soldier in defence of the Union; which Abraham Lincoln, reviled and misunderstood, was defending upon the only practicable ground, — that the divided house should cease to be divided. Sidney Willard, and most of the Massachusetts volunteers, were of Lincoln's opinion, and shared the enthusiasm of Governor Andrew for the cause of human liberty. I hear much said of late about forgetting the causes of the Civil War, — the meanest advice that can be given to Massachusetts men. Forget the *measures* of the war, its slaughters, like that in which Willard fell at Fredericksburg; its blunders, like the first Virginia battles; and avoid those details of marches and fights which only keep alive the embers of contest and of vengeance! But never let the memory of the cause that triumphed pass away or grow dim! It was the cause of humanity and of civilization; and for every brilliant young life that was extinguished before its maturity, for Willard, for Shaw, for the Lowells, for Abbott and Paine and Winslow and Whittemore, let us remember that the human race took a step forward; and that the stars on our flag shine now with a new lustre since it waved in the front rank of a new Revolution for the freedom of Man.

Though Love repine, and Reason chafe,  
There comes a voice without reply, —  
" 'T is man's perdition to be safe  
When for the Truth he ought to die."

The section of the day being called, Dean HODGES gave an account of the first Vestry Minute Book of Christ Church, Boston, which has just come to light in the renovation of the church building, and is in the possession of the authorities of the parish.

The records begin with the 6th of April, 1724, when the congregation elected James Graves, Esq., and Anthony Blount to be Church Wardens, and Henry Franklyn, Edward Watts,



John Gibbs, Gillam Phillips, John Corney, George Monk, North Ingham and Robt. Temple to be Vestrymen.

The entries, as far as 1765, are concerned with the rectorship of the Rev. Dr. Timothy Cutler, whose removal to the Episcopal Church in Boston from the presidency of Yale College amazed and distressed the Congregationalism of that day. After several attempts to provide for his financial support, his salary was fixed, in 1726, at three pounds and ten shillings a week. A serious disagreement arose in 1735 between the rector and the vestry, as to the rector's right to call vestry meetings. The decision is thus stated in the minutes:

Whereas, the Revd. Dr. Tim. Cutler has of late disputed the Church Warden's Right of calling a Vestry Meeting to manage the Affairs of the Church (until leave be first had from him) although the Church Wardens have by their undoubted Right called Vestry Meetings Ever Since the founding of this Church without any Application to the said Revd. Dr. Cutler (not to deprive Nevertheless the Revd. Dr. Cutler of his Right of Calling a Vestry Meeting upon any Ecclesiastical Affairs) and as this Method Conduced to the Peace and Quiet of this Church, It is now Voted, that the Church Wardens (for the time Being) do now continue in the Same Power and Right they have hitherto had of calling Vestry Meetings so often as they shall think proper for the Service of this Church. Voted that the above Vote and all other Votes concerning the Right of the Church Wardens and Vestry shall allways be read by one of the Church Wardens to the Revd. Dr. T. Cutler's Successor and Successors before he or they be presented or inducted, or any other ministers recommended and Received in this Church.

The minutes record the progress of the completion of the church. In 1724, the wardens are to provide brick for the steeple. In 1726, twenty-four pews are to be built in front of the north and south galleries, "each pew to contain three foot ten inches deep." It is ordered "That no Nails nor pinnes be put in the Pillars nor the front of the gallerys with a design to hang hatts-on." Also, "That for the future the Sexton shall keep ye rails at the Altar clear from boys or Negroes setting there." In 1727, a pew is to be "expeditiously built next to the Pulpit and lin'd handsomely For the use of the Gentlemen of ye Bay of Honduras, who have been or shall be Benefactors to this Church." In 1730, "In consideration of the late Dona-

tion of our Most Gracious Sovereign King George the Second to his Maj<sup>ty</sup>s Chappel in this Town," it was voted to concur with His Excellency, Governor Belcher, in an "application for getting plate and other Utencills for ye Altar of Christ Church, and for a Bible, prayer-book &c, for the Use of the said Church, like as his Majesty's Chappel in this Town has lately been given by the interest of the said Governor." In 1733, the royal gifts arrive. In 1736, the organ is first heard; and it is voted "That the Ten Commandments w<sup>th</sup> suitable Ornaments be wrote and painted as soon as possible." In 1742, money is being collected to buy a Ring of Bells; these are cast and consecrated in England in 1744. Captain Southwark gives a clock in 1749. Mr. Thomas Johnson, in 1752, is making a new organ, "with the Echo Equall to that of Trinity Church in this Town."

Meanwhile, pews are sold and transferred at prices ranging from ten to fifty pounds, according to location. On Christmas Day, year by year, the wardens take the collection boxes and make the round of the pews for the benefit of the poor. Measures are taken for the relief of those who are "distraigned and imprisoned for not paying Rates to the Dissenting Teachers," or are "presented for Travilling to or Comeing from any Church of England throughout the Province for the Worship of God."

In 1759, Dr. Cutler being then seventy-six years of age and in infirm health, Mr. James Greaton goes to England to be ordained to be his curate, and is asked to bring back an organist with him, who shall ply some useful trade on week days; if possible, a barber. In 1765, the minutes record the death of Dr. Cutler, and Dr. Caner is presented with a mourning ring for preaching at the funeral.

Mr. WENDELL showed two travelling phrase-books printed in the sixteenth century and in the original pigskin covers, which he found in the Jacob Wendell house at Portsmouth, New Hampshire. The title-page and final sheets of one are missing; the title-page of the other reads:

Dictionariolvm / Hexaglosson / Cum colloquijs aliquot sex linguarum / Latinè, Germanicè, Belgicè, Gal / licè, Hispanicè, Italicè: / Omnibus linguarum studiosis domi forisque per quàm / necessarium. [Same, repeated in German.] Antverpiac M.D.XXCV.

The dedication reads:

EN TIBI. / LINGVARVM studiose Lector / Sex / Linguarum Christiani Orbis principum / Nomenclatorem / Babylonicae confusionis Medicum / DICTIONARIOLVM / Hexaglosson cum colloquijs Vitae / quotidianae necessarijs: / Eo / in rem tuam vtere ac fruire, / pijsque manibus / CORN. VALERII Vltrajectini, è cujus / Latina interpretatione ceterae fluxerunt, / diligentiae & assiduitati / parentato.

While the first volume contains phrases and rules of grammar in six languages, Latin, German, Flemish, French, Spanish and Italian, the second copy contains phrases in seven languages, English being added. The texts are identical for six languages in the two volumes, but the editions are quite distinct.

The British Museum has an earlier edition of this phrase book, in six languages, but without the Latin and under another title:

Colloques ou Dialogues avec un Dictionnaire, en six langues; Flamen, Anglois, Alleman, François, Espagnol, & Italien. [By N. Barlement.] *Anvers*, 1576.

Another edition, "Familiaria cum Dictionariolo sex linguarum" was issued at Antwerp in 1584; the Latin part, taking the place of the Flemish, was prepared by Corn. Valerius. It differs from the volume shown by Mr. WENDELL in having English in the place of Flemish.

A compilation for seven languages was printed at Leyden in 1589, 1593 and 1600, and the second Wendell copy is probably one of those issues. In 1630, a printer at Antwerp published a phrase book for eight languages, Portuguese being the eighth. Ostensibly to encourage intercourse among "Christian peoples," these volumes were approved by the church; but they unquestionably served commercial ends as effectively. In the Wendell volume of 1585 the rules of pronunciation are given in French.

#### THE WILKES SWORD.

Referring to the paper submitted by him at the November meeting of the Society, relating to the *Trent* affair,<sup>1</sup> Mr. C. F.

<sup>1</sup> See pp. 35 and 522, *supra*.

ADAMS mentioned a letter he had recently received from William E. Foster, of the Public Library at Providence, Rhode Island, in which notice was called to a passage in the *Life of Horace Binney* by his grandson, Charles Chauncey Binney (Philadelphia, 1903). Mr. Horace Binney had, in the course of a letter quoted in the *Life* (p. 345), made allusion to the Wilkes proceeding. His biographer then wrote:

The reference to the Slidell and Mason affair, in the above letter, is very guarded. As a matter of fact, when Mr. Binney first heard the news of their being taken, he shared the general satisfaction, but literally for a moment only. While he was speaking about it a doubt seized his mind. He ceased talking and withdrew to his office. After consulting his books on international law he returned to the drawing-room, where some of his family were, and said, regretfully but decidedly, "We shall have to give them back."

In the same connection Mr. Adams also called attention to the altogether forgotten fact that when Captain Wilkes was in Boston in November, 1861, immediately after the delivery of Messrs. Mason and Slidell at Fort Warren, among the courtesies and testimonials showered upon him was "an elegant sword" voted by the Boston City Government "as a slight memento of the gratitude of our people for the important service he has just rendered to the national cause in this hour of the country's peril." The insignia and inscriptions placed upon this sword were elaborate, and its cost, including expenses attendant on its presentation, was in the immediate neighborhood of \$1200. The presentation did not, however, take place until Saturday, June 7, 1862, when already the *Trent* affair had become ancient history. It had in fact taken its place as a minor episode in the conflict then in progress, and an episode over which the enthusiasm of the American public had distinctly subsided. The Boston sword had, however, been formally voted, was in evidence in a shop window, and its presentation was in order. Joseph Wightman was then Mayor. The presentation took place at the Continental Hotel, Philadelphia. The speeches were brief, and curiously significant of the rapidly changing conditions of that terribly eventful period; between the close of November, 1861, and the early days of June, 1862, much had happened. The presentation speech was made by Mayor Wightman. He spoke as follows:

*Captain Wilkes.* In behalf of the City Council of the City of Boston, I have the pleasure of presenting to you this sword as a testimony of their respect for you as an officer of the United States Navy, and of their appreciation of your patriotic conduct in sustaining the honor of our flag under circumstances of peculiar difficulty.

The manner in which you performed what you considered to be your duty on the 8th of November, 1861, merits not only our appreciation, but the cordial approval of every loyal citizen of our Republic. Diplomatic policy and the condition of our public affairs may have rendered it expedient for our National Government to disavow your proceedings, but the firmness, courtesy and good judgment which characterized your action on this occasion, is worthy of high commendation, and it will occupy a bright page in the future annals of our country.

Accept it then, Sir, as a gift honorably won, as it is worthily bestowed, — preserve it, not only as a memorial of your own merit, but as an expression of the high estimation in which we hold that noble arm of our public service which is so gallantly and gloriously defending the Constitution of our Union in its present trial. And when this fiery ordeal to which our country is now subjected shall cease, and peace spread its blessed wings over a re-united nation, you and your children will cherish this gift of the City of Boston as a proud memento of your loyalty and patriotic devotion as an officer and a citizen.

And I am most happy, Sir, to be the representative of the City Government on this occasion, and in presenting to you this token of their esteem, permit me to add the earnest hope that we may long continue to enjoy the service of one who has for so many years honored and adorned the naval and scientific records of our country.

Captain Wilkes replied as follows:

*Mr. Mayor and Gentlemen of the Common Council of Boston,* — I can scarcely find words to express to you the gratification I feel at the reception of this splendid and unexpected testimonial now presented to me, by the City of Boston, as an approval of my conduct in the *San Jacinto* and *Trent*, resulting in the capture of Messrs. Slidell and Mason.

It is unnecessary for me to refer to it, except to remark that my judgment still affirms the act, and were I placed under similar circumstances, I should not hesitate to act again as I did in that affair. I trust their capture will prove the cause of great blessing to this country and other nations in establishing the great American doctrine of neutral rights on the ocean, or a settlement of international law established now by precedent.

Thanking you, Mr. Mayor and Gentlemen of the Council, and through you the citizens of Boston, for the high honor they have conferred upon me, in this memento, I can but assure you, while life lasts, it will ever be cherished by me with the most heartfelt gratification, and be drawn only in defence of right and our country.

It must be admitted that there was on the part of Admiral Wilkes an element of shrewdness as well as considerable ingenuity in the single significant passage in this very brief, if not over carefully prepared, speech of acceptance. The obvious inference is that he claimed to have accomplished a great result by boldly acting in accordance with British contentions and precedents, though confessedly dormant through half a century. In other words, he had given Great Britain a practical application on itself of what he held to be its doctrines of right of maritime search and the seizure of individuals owing allegiance. His so doing, he claimed, had forced Great Britain to an open abandonment of its positions previously assumed, and the acceptance by it, and the consequent establishment by precedent of "the great American doctrine of neutral rights on the ocean." And if such is the correct interpretation of his remarks, it can only now be said that it was a risky experiment on the part of a naval officer, acting wholly without instructions, and at the time came dangerously near to involving the country in a crisis which could hardly have failed to have been most prejudicial to the Union cause. Moreover, the record affords no evidence that this view of the situation and the possible advantages to be therefrom derived was present in the popular American mind at the time, much less weighed with the publicists. Clearly, it was a happy afterthought.

The sword thus presented is now deposited in the Smithsonian Institution at Washington.

Mr. ADAMS then in another connection referred to a letter from Lafayette to Governor Nelson of Virginia, which formed an item in the Benson J. Lossing collection of historical manuscripts. In referring to it Mr. ADAMS said:

In a paper submitted at the May meeting of 1910<sup>1</sup> I observed of General Nathanael Greene, of Revolutionary fame:

<sup>1</sup> *Proceedings*, XLIII. 584.



It is impossible now to say whether he possessed in any marked degree the elements of an officer of cavalry. He, however, fully realized, as a result of experience, the immense importance of that arm of the service, causing him to write to Lafayette, when the latter was conducting operations in Virginia, the enemy "are increasing their cavalry by every means in their power, and have a greater number than we have, though not of equal goodness. We are trying to increase ours. Enlarge your cavalry or you are inevitably ruined."

The letter of Lafayette dated July 12, 1781, is to the same effect:

Capt. Rudolph the bearer of this has been sent to me by General Greene, with the most pressing and particular request to have Col. Lee's legion completed. The General is apprehensive of the worst effects from the enemy's superiority in horse; and that every thing ruinous to the Southern States is to be feared from this. He wishes therefore that as many horses be impressed as will mount the whole of the cavalry. . . . The services rendered by Lee's corps are such that we cannot give it too much encouragement.

After calling attention to the above authorities and references, Mr. ADAMS submitted by title the following paper:

#### THE KINGDOM OF ACCOMAC.

At the corresponding meeting to this a year ago, that of May 10, 1911, I submitted a paper, since become a part of the Society's *Proceedings* (XLIV. 610-646) in which were set forth, from a fairly historical point of view, observations made during a visit to the Panama Canal Zone and conclusions therefrom drawn. This year, though at a slightly later date, it was my fortune to visit another locality, much nearer home, but also not without a historical interest, and especially, as I shall presently show, interest in connection with early Massachusetts. I refer to the two eastern counties of Virginia, Accomac and Northampton. Separated from the rest of the State by a somewhat broad expanse of water, these counties are not of late often visited by people from Massachusetts. Yet that region was in the beginning closely connected with us, and consequently familiar to many of those of our colonial period.

This more recent Eastern Shore of Virginia experience proved

therefore most unexpectedly suggestive of the next serious publication on the program of the Society, — Winthrop's *History*. But before speaking of it in this connection, my reference to the previous Panama experience necessarily suggests another event, — an event occurring since the last meeting of the Society, but which, passing into history, will assuredly be long remembered. I refer to the hideous marine disaster hereafter to be known as the wreck of the *Titanic*.

In my paper on the Canal Zone, I had occasion to make mention of an artist friend of mine, Mr. Francis Davis Millet, to whom I was indebted for the experience, and to whose companionship and extreme interest in the locality I more particularly refer in my account of a morning passed at Old Panama, — the morning of March 21, 1911.

One of the passengers on the ill-fated *Titanic*, Mr. Millet was of those who went down with the ship. His loss is to me a thing irreparable. Nearly forty years ago, — that is, in April, 1873, — I was appointed by Governor William B. Washburn, Chairman of a Commission provided for by the Massachusetts Legislature of 1873 to attend at Vienna the Universal Exposition, or, as we would call it, the World's Fair there held that year. I had then never heard of young Frank Millet, much less had I seen him. When I received my appointment, I was advised that he, then a student of art at Antwerp, had been selected to serve as Secretary of the Commission. Well do I remember our first meeting. I had reached Vienna, and was very much alone there, in fact sorely in need of companionship. One afternoon I heard a knock at the door of my sitting-room in the hotel, and immediately after, an almost typical representative of our American youth put in an appearance. His aspect at that moment of first meeting is vividly photographed in memory. Young, slender, of scarcely medium height, almost boyish in aspect, his face bore that kindly companionable smile which always and everywhere seemed natural to it. I cannot doubt he wore it up to the last dreadful moment, as he helped that unknown immigrant woman into the life-boat of the *Titanic*, addressing to her kindly words of cheer in her own native tongue. Returning, however, to my memory of that first meeting, as he introduced himself, I had no premonition of the fact, but then began one of the closest, most constant and

most valued friendships of my life, destined to terminate only when the *Titanic* made its plunge in mid-Atlantic. So now I here put on record this tribute to a singularly winning personality, who through close upon forty years contributed, more than any other single individual outside of the family circle, to the enjoyment — what I may call the sunshine — of my life.

Some five years ago, when on the occasion of my delivering the address at Lexington at the Centennial of Robert E. Lee, I made my first incursion into Virginia since the Civil War, Mr. Millet went as my companion. I shall not forget his keen enjoyment of that experience, — its individual and local flavor. He and I found ourselves suddenly introduced into an environment and atmosphere strongly foreign, both in aspect and sympathies. Distinctly Scotch-Presbyterian in type, it yet seemed alien though within an easy day's journey of Washington. And had Millet been alive and here, he would undoubtedly have been my companion in the more recent Virginia visit to which I propose now to make reference.

Having always heard of what is in Virginia known as "Ye Ancient Kingdom of Accomac," I had long been curious to visit it. Somehow vaguely associated in my mind with Henry Clay, though he, I think, never in his multifarious American journeyings really got there, I remembered reading a description of it as it then was in *Harper's Monthly Magazine*.<sup>1</sup> The home and place of origin of at least two conspicuous Virginian families, — those of Custis and Wise, — it was as a guest of one of the present generation of the last-named family that I now went there.

In doing so also, I took with me a volume recently published by Jennings Cropper Wise, a member of the Virginia Historical Society, entitled *Ye Kingdome of Accawmacke, or the Eastern Shore of Virginia in the Seventeenth Century*. This volume, read on the spot, I found of extreme interest. Showing thorough study, it tastes of the soil, having that local flavor which can be given to such a work only by one to the manner born, writing *con amore*. And the volume, moreover, had, I found, a peculiar value in connection with our own early Massachusetts annals.

<sup>1</sup> *A Peninsular Canaan*, by Howard Pyle, *Harper's Magazine*, May, 1879, LVIII. 801-817. Clay was born in Hanover County.

I was surprised at the Massachusetts foot-prints found in that account of a remote and strictly Virginian locality.

Indeed, so remote and unvisited are the two Virginia counties known as the Eastern Shore, that many now here present may probably have only a more or less vague idea of their geographical position. I will say, therefore, that Accomac is the southern continuation of what is known as the Eastern Shore of Maryland, lying between the Chesapeake Bay and the Atlantic, and terminating at Cape Charles, some twenty-five miles only from Fortress Monroe and Old Point Comfort. In its geological formation, the region strongly resembles Nantucket. Surrounded on nearly every side by water, with a breadth varying from two miles to twenty between the Atlantic and Chesapeake Bay, its climatic conditions are peculiar and almost unique. It is wholly devoid of a rock-bound character. A surf-beaten sand-bank on its eastern side, it lies between the ocean and one of its larger inlets. A light soil has, however, been enriched by generations of vegetable mould, one growth after another of the primeval forest, composed mainly of the Southern pine, having there fallen and decayed. With a moist atmosphere and genial climate, it is a monotonous and level region of great fertility.

But I do not propose to enter into any description of Virginia's Eastern Shore from the agricultural or material points of view. This has already been sufficiently done, and in artistic fashion, in the paper in *Harper's Monthly* already referred to. I will merely incidentally say that, however little observant, the New England visitor to Accomac now finds himself brought face to face with a phase of the Africo-American race problem, and industrial conditions manifestly disorganized. Into the maze of discussion thereby suggested, whether in its immediate aspects or more remote consequences, I do not propose here to enter; but referring to the population of Virginia descent, Mr. Pyle thus wrote the lifetime of a generation ago: "The poor are wofully ignorant, as the upper classes are, in many instances, indolently unprogressive, though far less so than formerly. In short, the Virginia portion of the peninsula seems sunk in a Rip Van Winkle sleep that has lasted a hundred instead of twenty years, and that as yet shows but small signs of awakening." Written before the railroads had

pushed their way south of the Maryland line and into Accomac, conditions during the last score of years have markedly changed. Direct and easy lines of communication have been opened between a region of singular natural productiveness and the largest American markets. As a result, the value of land I was assured had risen several fold. The Rip Van Winkle sleep has manifestly come to an end, and the only hindrance to a thorough-going awakening of the Virginia Eastern Shore now lies in the race, and incidentally the labor, question; a problem the practical solution of which is not yet apparent.

All this, however, though in itself interesting, is quite apart from my present purpose. That purpose is to confine myself to its historical aspect, and, what is more, its historical aspect in connection with New England and Massachusetts, — in other words, to what I may call the New England foot-prints I found in historical Accomac.

When more carefully considered, it was altogether natural that the relations which originally existed between the earliest Massachusetts settlement — that which preceded Boston — and the settlements on the Chesapeake should have been close. It is to be remembered that prior to the founding of Boston, in 1630, the only English-speaking European footholds on the North American continent were at the fishing stations on the coast of Maine, at Plymouth, and on the James and Chesapeake. When, therefore, the trading vessels came across the Atlantic, — and the records show that some forty or fifty sailed that way each year, — they seem first to have visited the Maine fishing grounds, to have then passed on to Plymouth and Massachusetts Bay, and finally to have found their way to Virginia. They there took on board a return cargo of whatever the country produced, — whether furs, forest material, or fish, — and then either went back over the course by which they had come, or continued their voyage to the West Indies or the Spanish-speaking countries.

Accordingly, before the settlement of Boston, when in 1625 Captain Wollaston established himself on the hill within the limits of the present city of Quincy which still bears his name, bringing with him thirty articted servants, after passing a winter there, not liking the venture, he went on to Virginia, taking a portion of his articted servants with him, leaving an

associate — Rasdell, by name — in charge of the plantation or trading post. In Virginia he found a ready market for these articulated servants, and subsequently returned to England with the proceeds derived from the sale thereof. Of Captain Wollaston and his articulated servants I found no trace in the pages of Mr. Wise's book. Not so, however, with the later settlement at Braintree, as what is now known as Quincy was then called. The first settled clergyman in Braintree was one William Thompson. Ordained over the newly formed church in September, 1639, in 1642 his brother ministers of New England selected him, with two others, to go forth on a strange sort of missionary work among the Church of England heathen of Virginia, as Cotton Mather describes them; for a cry had come up from "many well-disposed people, . . . to the elders here, bewailing their sad condition for want of the means of salvation, and earnestly entreating a supply of faithful ministers, whom, upon experience of their gifts and godliness, they might call to office." Accordingly, in October, 1642, Mr. Thompson set out from his Braintree home for Taunton, the first stage on the way to Virginia; his single companion being the Rev. John Knowles of Watertown, "a godly man and a prime scholar."<sup>1</sup>

Turning now to Mr. Wise's book, I found in two places (pp. 74 and 259) the foot-prints, apparently in Accomac, of William Thompson of Braintree. His mission was not a fruitful one. Indeed it is not perfectly clear that he ever found his way to the Eastern counties. It was not so, however, with another wayfarer from Massachusetts later on. Mention is frequently found in Winthrop of Nathaniel Eaton, said to have been the first principal of Harvard College. Driven thence, — the full narrative is contained in Winthrop,<sup>2</sup> — he found a way, both devious and halting, to Virginia, and became subsequently the first settled minister in Accomac, the Assembly having made an "allowance of ten pounds of tobacco per poll, to enable the minister to hire a vestry clerk and sexton."<sup>3</sup> Into the subsequent experiences of Master Eaton I do not propose here to enter. When, however, our Editor comes next year across the name of Nathaniel Eaton in the pages of Winthrop, he will do well to consult the long subsequently prepared narra-

<sup>1</sup> Winthrop, II. 78.

<sup>2</sup> *Ibid.*, I. 308.

<sup>3</sup> Wise, 260-270.



tive of Mr. Wise. It is, therefore, with some reason that Mr. Wise exclaims (p. 270) — "What a little world this was even in the seventeenth century."

Yet another personage whose foot-prints still remain deeply imprinted on the Eastern Shore is one Francis Doughty, — later the ordained minister of the two lower parishes of Accomac. As respects him also, our Editor will have occasion to consult the pages of Mr. Wise's book. They are suggestive. Doughty, who, by the way, seems to have married the widow of Nathaniel Eaton, is mentioned in the records of New England, of Manhattan, of Virginia, and of Maryland. He seems to have been a distinctly otherwise-minded man; for not only was he a non-conformist, but he denied the supremacy of the King, and refused to allow the members of the Church of England "to communicate in the blessed ordinance of the Lord's Supper." Nevertheless, he appears to have been far more successful than William Thompson in disseminating the doctrines of the true Church, according to New England's conception thereof; for Mr. Wise significantly says of him:

It is difficult to understand why the ruling class, composed of church of England men, allowed him to preach there. He certainly had the respect of the better class of planters, who were as a rule most intolerant of all "schismatical sects" as illustrated by their persecution of the Quakers. Yet there was a great distinction between Quakers and non-conformists, there being many of the latter class on the peninsula, and while the actual control of the parishes was in the hands of Anglicans, the influence and numerical strength of the liberal-minded churchmen were too great to be entirely disregarded, since they in large measure paid the tithes. The presence of the New England Puritans and the Reformed Churchmen of Manhattan and Holland had greatly liberalized established Episcopacy. These people were ever a peaceful, submissive, worthy element of the population, regarding themselves, in a measure, as guests in a foreign land, and by their very acquiescence in the support of the Anglican faith intruded their liberal views upon the ruling class more successfully than could have been accomplished by force.

Finally, and most important of all the Massachusetts people having connection with that region, was no less a person than the famous Edward Gibbons, Major-General of the Colony of Massachusetts Bay. I many years ago made the acquaintance

of Edward Gibbons in connection with Thomas Morton of Merrymount.<sup>1</sup> Naturally, therefore, I was somewhat surprised at meeting him again in Accomac. There he was, however, and in a neighborhood and company both suggestive and questionable; for when I previously came across him I had found occasion to say that it was "much to be feared that he for a time tried his hand at buccaneering." Now it so chanced that the inlets on the Atlantic side of Accomac were a favorite place of recourse to the seventeenth century pirates, and to them and their influence in the community Mr. Wise devotes considerable space. While I am by no means prepared to say that here Gibbons found a sympathetic community and a convenient harbor of refuge and concealment, yet when our Editor comes to dealing with Gibbons and his "aligarto" communings with Governor Winthrop, it will be well to bear in mind the Accomac relations of that adventurous character. In any event, Gibbons appears to have been a large land owner on the Eastern Shore, visiting the Chesapeake on numerous occasions. Interesting letters from him relating to business transactions are found in Mr. Wise's pages.

Subsequently, Francis Makemie, the founder of the American Presbyterian Church in America, became a leading character in Accomac, where his monument now stands. He and it have recently been made the subject of an interesting volume by the Rev. L. P. Bowen, who not only delivered a historical address on the occasion of the unveiling of the Makemie statue on May 14, four years ago, but has since published a volume of Memorials, all connected with the Eastern Shore.<sup>2</sup> Mr. Wise refers to a letter of Francis Makemie, addressed to Increase Mather, and now in our manuscript collections. Cotton Mather makes mention of the trial of Makemie in a letter to Samuel Penhallow, July 8, 1707.<sup>3</sup> As Makemie's letter has an interest in connection with Presbyterianism in Virginia, it is here printed.

<sup>1</sup> *Three Episodes of Massachusetts History*, 354-360.

<sup>2</sup> *Makemieland Memorials; with Eastern Shore Wild Flowers and other Wild Things*. Richmond, Va., 1910.

<sup>3</sup> Mather, *Diary*, I. 599.

## FRANCIS MAKEMIE TO INCREASE MATHER.

ELIZ. RIVER, VIRGINIA, 28 July, 1685.

REUEREND SIR, — Yours I receiued by Mr. Hallett, with three bookes, and am nott a litle concerned that these were sent to Ashly River were miscarried, for which I hope it will giue noe offence, to declare my selfe willing to satisfy; for there is noe reason they should be lost to you, and far lesse, that the gift should be reiterated, for which I am oblidged to own my selfe your debtor. And assure your selfe, if you haue any seruice in Virginia, to find me ready to receiue your commands. I haue wrote to Mr. Wardrope, and beg you would be pleased to order the safe conueyance thereof into his hands. I haue likewise wrote a line to one *Mr. Thomas Barnet a Minister who liues in S. Carolina, who when he wrote to me from Ashly River told me that next week was to take shipping for N. E.*<sup>1</sup> Soe that I conclude he is with you. But if there be no such man in the Country, lett me letter be returned. I am yours in the Lord Jesus.

FRANCIS MAKEMIE.

Another name connected with the early history of Boston is also found on the Eastern Shore at a place called Occahannock. One Colonel Edmund Scarburgh there residing leased, in 1662, no less than 3000 acres of land to William Bunton, of Boston, for fourteen years, or until his son Edmund should come of age, the rental for the whole period being the large sum of 1200 pounds sterling.

In editing the Bradford, now in press, I noticed several rather curious and interesting passages relating to the production of salt, and the lack of that commodity during the early period of our New England history, with the inconveniences and ills occasioned thereby. It was, I find, much the same in Virginia; and in Mr. Wise's book there is a passage to which our Editor would do well to make reference when he comes again to this subject in the pages of Winthrop. Indeed, a somewhat interesting monograph might be prepared on the production and use of salt in American settlements. I myself, for instance, have a very distinct recollection of no less than two complete outfits for the production of salt from sea-water evaporated by sun-heat, the one on the estate of President Josiah Quincy,

<sup>1</sup> This is probably Thomas Barnet, of whom a passing glimpse is caught in Caulkins, *History of New London*, 195. Wardrope was William Woodrop.

in the town of Quincy, the other on the bay-shore of Hingham. Both outfits were in operation as commercial enterprises down to the year 1845. This was two centuries and a quarter after the early experiences referred to at Plymouth and Accomac; yet the apparatus and methods of manufacture in use in 1840 were of the simplest possible description, consisting of a wind-mill, supplying a number of shallow wooden drying vats. There seems to have been a great want of the staple in the earlier colonial period; though it is not easy to see how the curing of fish, one of the sea-products then most relied on, could have been successfully managed without an abundant supply thereof.

Finally, my brief visit to Accomac and the Eastern Shore of Virginia has led me to suspect that the early history of New England and Massachusetts, as recorded in the pages of both Bradford and Winthrop, cannot be correctly written without an adequate knowledge of the still earlier history of the Eastern Shore of Virginia, and constant reference to its records.

Mr. JUSTIN H. SMITH read a paper on

THE BIGLOW PAPERS AS AN ARGUMENT AGAINST THE  
MEXICAN WAR.

About a dozen years after our Mexican War ended, James Russell Lowell wrote, "we had as just ground for it as a strong nation ever has against a weak one."<sup>1</sup> This was to concede the point of equity, for no court of justice takes into account the relative strength of litigants, and, while the weakness of its adversary may require a great power to be forbearing, the plea of mercy does not affect at all its rights in the case. In 1846, however, Lowell believed — as he stated in his Introduction to the second instalment of Biglow Papers — that the war was "a national crime committed in behoof of Slavery," and he did not scruple to use all his wit and ingenuity to make it odious. Partly, no doubt, he justified himself on the principle that any stick is good enough to beat a dog with, and partly his course was due to a modest underestimate of the seriousness with which his efforts would be received. It astonished him,

<sup>1</sup> Scudder, *Life of Lowell*, I. 257.

he confessed in that Introduction, to find that he held in his hand "a weapon instead of the mere fencing-stick" he had supposed. With noble convictions, therefore, but with a somewhat careless aim he laid about him.

Lowell's muse was ambidextrous, and we may look first at the blows dealt in prose. He made fun of our uniform and what he called the "struttin'" of the recruiting sergeant, ignoring the fact that a soldierly costume and bearing are seen in every well-ordered army. The first recruiting sergeant, he said, was the individual mentioned in the Book of Job as going to and fro in the earth, and Birdofredom Sawin was described as "a Yung feller of our town that wuz cussed fool enuff to goe atrottin' into Miss Chiff arter a Drum and fife." It "sartinly is," he declared, "1 of the curusest things in nater to see a rispektable dri goods dealer (deekon off a chutch mayby) a riggin' himself out in the Weigh they [the militia] du and struttin' round in the Reign aspilin' his trowsis an' makin wet goods of himself." But evidently these points counted against defensive as well as aggressive preparations for war, and had no logical bearing on our Mexican difficulty.

Ridiculing the idea that the war was undertaken in order to extend free institutions and the Protestant faith, he went so far as to suggest — on the ground that God could have had nothing to do with a victory (Cerro Gordo) gained on Sunday — that our military success was due to Satan, and hinted that Protestant zeal was always liable to flame whenever papistical Naboths owned the adjacent vineyards. Certainly, however, there was no official pretence that our invasion was a sectarian polemic, — in fact our government did its utmost to prove the opposite; and of course neither the Satanic ascription nor the sabbatarian complaint against our generals was entitled to serious consideration.

The account of B. Sawin, Esq., an American soldier, with Glory was thus put down:

Cr. By loss of one leg, 20; one arm, 15; 4 fingers, 5; one eye, 10; the breaking of 6 ribs, 6; serving under Caleb Cushing one month, 44; total, 100.

Dr. 1/675 of three cheers in Faneuil Hall, 30; do. when a sword was presented to Col. Wright, 25; one suit of clothes (ingeniously unbecoming), 15; drum and fife entertainments for six months, 5;

one dinner after return, 1; chance of a pension, 1; privilege of drawing the long bow during rest of natural life, 23; total, 100.

Here, it will be observed, the sole appeal is to personal self-interest. Sawin, to be sure, was represented as enlisting from a combination of "cussed" folly and hope of selfish advantage; but this does not modify the fact that men are here taught to consider exclusively, in the case of a national conflict, the pros and cons of personal gain. To state the principle is to refute it. Such a view counts as much against a righteous as against an iniquitous war, and everybody is aware of its unfavorable effect in the period of our Revolutionary struggle.

Then Lowell contrived a still more singular bill:

Washington, Sept. 30, 1848, Rev. Homer Wilbur to Uncle Samuel, Dr. To his share in killing, maiming and wounding about 5,000 Mexicans, \$2.00; in slaughtering one woman carrying water to the wounded, 0.10; in a bombardment and an assault on Sunday, whereby the Mexicans were prevented from defiling themselves with the idolatries of the high mass, 3.50; in throwing a Protestant bombshell into the Cathedral at Vera Cruz and thus killing several female Papists at the altar, 0.50; in Cash paid for conquered territory, 1.75; in do. for conquering it, 1.50; in manuring it with a new superior compost called "American Citizen," 0.50; in extending the area of freedom and Protestantism, 0.01; in glory, 0.01. Total, \$9.87.

Probably Lowell regretted afterwards that he had called American citizens, killed on the field of battle, "compost"; and, as the announced and sternly maintained policy of our generals was to give non-combatants the best possible treatment, it was hardly fair to charge against our administration the case of some possible woman, shot by accident or by the zeal or cruelty of a private soldier. Bombshells do harm whether sent on bad principles or on good, and military men are wounded in the noblest as well as in the meanest of causes. Moreover, to bring up the casualties of the Mexican troops as an argument against our campaign was to beg the question in an aggravated sense, for if ever this incident of all warfare could be ignored, it was precisely in the present instance. A large percentage of the officers opposed to us did not linger on the field or did not



linger long, and the fighting was mainly done by Indian privates and corporals. These men, racially indifferent to pain, had nothing in their lot to soften them or make life pleasant, if we except the sight of religious processions and ceremonies and an occasional over-indulgence in pulque; while on the other hand, as fanatical Roman Catholics, they felt sure of paradise. Death was inevitable, they well knew; and they did not object very much, as in fact they had no reason to do, against facing it in the ranks. The points regarding Sunday, the papacy and the rest demand no comment.

Finally, Lowell makes Parson Wilbur tell us that he chanced to be seated one day at a banquet opposite a "slaughterer" of Mexicans, and then go on as follows: "He was arrayed as (out of his own profession) only kings, court-officers, and footmen are in Europe, and Indians in America. Now what does my over-officious imagination but set to work upon him, strip him of his gay livery, and present him to me coatless, his trowsers thrust into the tops of a pair of boots thick with clotted blood, and a basket on his arm out of which lolled a gore-smeared axe;" all of which applied no less well, of course, to a Washington, a Grant, a Wellington, a Cromwell or a William of Orange.

Let us turn now to the verse, which had by far the greater effect, no doubt. About a month after the Mexican war began, Mr. Hosea Biglow contributed to the world a vernacular poem in which, speaking of "them slave-traders," as he called the "Suthun fellers," he said:

We must ollers blow the bellers  
Wen they want their irons het; . . .  
But *my* narves it kind o' grates  
Wen I see the overreachin'  
O' them nigger-drivin' States. . . .  
Ez fer war, I call it murder, —  
There you hev it plain an' flat; . . .  
Ef you take a sword an' dror it,  
An' go stick a feller thru,  
Guv'ment aint to answer for it,  
God'll send the bill to you. . . .  
I dunno but wut it's pooty  
Trainin' round in bobtail coats, —  
But it's curus Christian dooty  
This 'ere cuttin' folks's throats. . . .

Wen cold led puts daylight thru ye  
You 'll begin to kal'late;  
S'pose the crows wun't fall to pickin'  
All the carkiss from your bones,  
Coz you helped to give a lickin'  
To them poor half-Spanish drones?  
Jest go home an' ask our Nancy  
Wether I 'd be sech a goose  
Ez to jine ye, — guess you 'd fancy  
The eternal bung wuz loose!  
She wants me fer home consumption,  
Let alone the hay's to mow. . . .  
Wal, go 'long to help 'em stealin'  
Bigger pens to cram with slaves,  
Help the men thet 's allers dealin'  
Insults on your fathers' graves;  
Help the strong to grind the feeble,  
Help the many agin the few,  
Help the men that call your people  
Witewashed slaves an' peddlin' crew! . . .  
Ef I 'd my way I had ruther  
We should go to work an' part, —  
They take one way, we take t' other, —  
Guess it would n't break my heart.

To review these lines cannot be necessary, but the commentator is bound to comment, I suppose. If a conflict with England had broken out over the fisheries, should we have thought the South justified in holding aloof on the ground that the North, as doubtless was the case, wished to be the dominant section? Is it a fair argument against a war that it is (as a war always must be) more for the advantage of one part of the country than of another? Can we regard the soldier as personally guilty of murder for taking part in a battle? And, even if so, has that principle any more bearing on our Mexican than on our civil war? So far as unpleasant language counted, were not New Englanders and Biglow himself holding their own fairly well? Certainly, to apply the term "slave-trader" to the ordinary planter was not so very much more correct than to call some one else a rumseller because he sent apples to the cider-mill. As for the arguments based on the personal disadvantages of leaving Nancy and the grass and having lead and sunshine projected into one's anatomy, enough has already been said. The seces-

sion policy of the last lines would have but few apologists now, it may be presumed.

Biglow's poem was followed with a letter from Mr. Sawin, now campaigning in Mexico, to this effect:

Nimepunce a day fer killin' folks comes kind o' low fer murder, . . .  
 But wen it comes to *bein'* killed, — I tell ye I felt streaked  
 The fust time ever I found out wy baggonets wuz peaked. [He was  
     pricked for defying a sentry and saying his folks were as good as the  
     General's.]  
 I felt, I swon, ez though it wuz a dreffle kind o' privilege  
 Atrampin' round thru Boston streets among the gutter's drivelage, . . .  
 An' it did bonyfidy seem millanyum wuz acomin'  
 Wen all on us got suits (darned like them wore in the state prison) . . .  
 The sort o' trash a feller gits to eat does beat all nater  
 I'd give a year's pay fer a smell o' one good bluenose tater;  
 The country here thet Mister Bolles declared to be so charmin'  
 Throughout is swarmin' with the most alarmin' kind o' varmin'.  
 He talked about delishis froot, but then it wuz a wopper all,  
 The holl on 't 's mud an' prickly pears, with here an' there a chapparal;  
 You see a feller peekin' out, an', fust you know, a lariat  
 Is round your throat an' you a copse, 'fore you can say, "Wut air ye at?"  
 You never see sech darned gret bugs, [and one of them almost ran off  
     with Col. Wright.]

Next Sawin tells us how he thought he heard Sol, the fisherman, blow his horn, but presently found a mosquito jabbing him through the leg; and then he complains of the yellow fever and the scorpions.

This goin' ware glory waits ye [he continues] haint one agreeable feetur,  
 An' ef it warn't fer wakin' snakes, I'd home agin short meter;  
 O, would n't I be off, quick time, ef 't war n't thet I wuz sartin  
 They'd let the daylight into me to pay me fer desartin'!  
 I don't approve o' tellin' tales, but jest to you I may state  
 Our ossifers aint wut they wuz afore they left the Bay-state;  
 Then it wuz "Mister Sawin, sir, you 're middlin' well now, be ye?  
 Step up an take a nipper, sir; I 'm dreffle glad to see ye;"  
 But now it 's "Ware 's my eppylet? here, Sawin, step an' fetch it!  
 An' mind your eye, be thund'rin' spry, or, damn ye, you shall ketch it!"

Now this is doubtless wonderfully clever and highly diverting. But after all we can hardly afford to sympathize with a soldier disciplined for stark insubordination. It is impossible to endorse the likening of our national uniform to the felon's garb. Nobody regards the hardships of war as a valid excuse for

desertion. It is the proper function of officers (outside the limits of Pinafore) to give commands instead of "nippers"; and a man like Sawin — who not only refused to behave well but proclaimed his social equality with his general — had every reason to expect sharp language.

Next come a few lines from the most famous of the Biglow Papers:

Wut did God make us raytional creeturs fer,  
 But glory an' gunpowder, plunder an' blood? . . .  
 The side of our country must ollers be took,  
 An' President Polk, you know, he is our country; . . .  
 Parson Wilbur he calls all these argimunts lies;  
 Says they're nothin' on airth but jest *fee, faw, fum*;  
 An' thet all this big talk of our destinies  
 Is half on it ignorance an' t' other half rum;  
     But John P.  
     Robinson he  
 Sez it ain't no sech thing; an', of course, so must we.

Here we observe a humanitarian attack on war as war with which all must sympathize, but we fail to perceive that it proves our case against Mexico unfounded. Not only Polk but Congress authorized and supported the hostilities, and in this way the nation as a whole was lawfully committed; and how an American citizen could attribute to ignorance and liquor all regard for our future it is hard to see.

I du believe wutever trash  
 'Il keep the people in blindness, —  
 That we the Mexicans can thrash  
 Right inter brotherly kindness.

This is another plausible view that does not bear examination very well. As competent foreign observers — for example, the ministers of England, France and the United States — agreed, the Mexicans were almost insanely vain. They regarded themselves as a most brave and martial race, and looked upon us as a horde of spiritless money-grubbers. Besides, while they recognized our superiority in wealth and numbers, they believed their deserts, mountains, yellow fever and stormy coasts made their country almost invulnerable; they considered us too penurious to pay war taxes for any great length of time; they strongly doubted whether North and South could be united

against them; they entertained the idea that England would never permit the United States to conquer them; and they felt sure that in the use of privateers they had a weapon of almost decisive power. Moreover their diplomats, frequently cleverer than ours, too often cajoled and outplayed us. For all these reasons combined they mainly attributed our forbearance to helplessness, and therefore it was practically impossible to obtain a settlement of our claims and a general good understanding without first shaking them out of their vanity and self-confidence and giving them a proper sense of values. So the American representatives at Mexico frequently insisted, and the soundness of this view is confirmed by the fact that after the war the Mexicans were decidedly more civil and friendly to us than before it. To a remarkable extent we really did "thrash" them "right inter brotherly kindness."

Finally, we hear again from Sawin, still in Mexico, who tells us about losing the various members enumerated in his account with Glory and then goes on:

I thought the gold-mines could be gut cheaper than china asters,  
An' see myself acomin' back like sixty Jacob Astors;  
But sech ideas soon melted down an' did n't leave a grease-spot;  
I vow my holl sheer o' the spiles would n't come nigh a V spot.

One day, Sawin complains, I almost die of thirst, the next am nearly drowned; months pass without rain, and then come storms like the emptying of a woman's teapot.

The cons'quence is, thet I shall take, wen I'm allowed to leave here,  
One piece o' propaty along, — an' thet's the shakin' fever; . . .  
But then, thinks I, at any rate there's glory to be hed, —  
Thet's an investment, arter all, that may n't turn out so bad;  
But somehow, wen we'd fit an' licked, I ollers found the thanks  
Gut kin' o' lodged afore they come ez low down ez the ranks;  
The Gin'rails gut the biggest sheer, the Cunnles next an' so on, —  
We never gut a blasted mite o' glory ez I know on;  
An' spose we hed, I wonder how you 're goin' to contrive its  
Division so's to give a piece to twenty thousand privits; . . .  
We git the licks, — we're jest the grist that's put into War's hoppers;  
Leftenants is the lowest grade that helps pick up the coppers.

At least, continues our hero, we expected to revel in the halls of Montezuma, but

*We* never gut inside the hall: the highest ever *I* come  
Was stan'in' sentry in the sun (an', fact, it *seemed* a cent'ry)  
A ketchin' smells o' biled an' roast thet come out thru the entry,  
An' hearin' ez I sweltered thru my passes an' repasses,  
A rat-tat-too o' knives an' forks, a clinkty-clink o' glasses; . . .  
The on'y thing like revellin' that ever come to me  
Wuz bein' routed out o' sleep by thet darned revelee.

Such were the Biglow Papers as they related to our present subject. They embodied a very incorrect view of the genesis of the war, undervalued the Union, belittled the destiny of the nation, made light of authority both military and civil, encouraged a disintegrating sectionalism, pointed with scorn at our national uniform, and appealed to a narrow self-interest wholly incompatible with good citizenship either in war or in peace; and the black and sticky ball of odium thus accumulated was hurled most skilfully, with a noble intention but somewhat inconsiderate zeal, at the Mexican war.

How much influence, now, did the Papers have? That question is answered in part by the fact of their evident adaptedness to the free, shrewd, practical and peaceable spirit of the New Englanders; it is answered again by Lowell's remark that he found a sword in his hand; and it is answered further by the extraordinary vogue of the poems. On all sides they were read, re-printed, copied and quoted; men pinned them up in their shops to con over while at work; and when they came out in book form, the first edition — 1500 copies — went off in a week. All this appears to show that many people accepted their views, for the general public would not have read them to any great extent for mere literary amusement. Expressed in witty and homely phrases and seen in print, ideas natural to our citizens and no doubt half-consciously formed in many brains acquired almost the validity of gospel. Other voices, more argumentative but less effective, joined with Lowell's. Anti-slavery convictions and sympathy with the "under dog" co-operated. Our apparently aggressive military operations near the Rio Grande, seen through a discolored atmosphere, had an influence of the same kind; and the natural result — at least in this quarter — was a hot and wide-spread feeling against the war.

Such a sentiment perpetuates itself and grows venerable

with age; and moreover it sweeps into its train men capable of seeing things with greater clearness. In this instance whoever desired to reach the popular ear — the editor, the politician, the author and even the preacher — had to accept the state of the public mind or at any rate compromise with it. After the war ceased to count in politics, it was not especially for any one's interest to defend it; and thus a traditional sentiment of a strongly unfavorable tone became established.

Mr. FORD submitted the following bill of complaint of Andrews and Sherley, and the answer of Sherley in a Chancery suit to compel an accounting for the joint adventure in the affair of New Plymouth. The papers are not complete, but serve in their present condition to give some light on the differences which arose among those English partners. The documents are in the Public Record Office, *Chancery Bills and Answers*, Charles I. A. 39: 51, 15 February, 1640-41.

To the Right honorable Sir Edward Littleton  
knight Lord Keeper of the Great Seale of England.

In all humblenes Complayneing sheweth unto your good Lordshipp your daylie Oratour Richard Andrewes and John Beawchampe Cittizens and Marchaunts of the Cittie of London That whereas in or aboute the yeares of our Lord one thousand six hundred Twenty Five Twenty six and Twenty Seauen there was a treaty and Comuniſacon had between your Orators and one James Sherley Citizen and Goldsmith of the said Cittie of London Concerning there joining together to mainteyne a trade and aduenture with the Gouverner and the rest of the parteners of Plymoth plantacon in Newe Englande The which proceeded soe farr as that itt was att last fully concluded and agreed uppon by and betweene themselves and the said James Sherley that they and each of them should aduenture and putt into stocke to the purpose aforesaid the some of Eleauen hundered poundes or thereabouts apeece and that the said James Sherley should receiue and dispose thereof in and about the managing of the said trade and adventure and should be sole Factor and Agent in the said Trade and Adventure as well for your Orators as himselfe in all respectes Concerning the same boeth for receiptes of the said stockes heere and layeing out and dispose thereof as . . . in the said busines and for the receiptes salle and disposall of all goods Comodities and retornes whatsoever in what kinde soeuer the same

should be as should any waie be retorned had or made from the saide Newe plantaçon in new England in the . . . aduenture and to make and to giue to your said Orators euery yeare dureing the said Trade or att thende and expiraçon thereof A iust and true Accompte for the same and euery parte thereof, and from time to time when as any thing should be due to your Orators should instelye and truly paie the same to your Orators and either of them their and euery of their Agentes or Assignes and that for that purpose the said James Sherley should from time to time keepe A iust and true booke of Accompte of the said Jointe trade and of all his dealeinges and . . . passages and proceedeinges toucheing or Concerninge the said trade which he should from time to time produce and shewe forth unto your oratours or either of them whereby your oratours might be setisfied touching the said premisses and concerning his said dealeinges therein, And thereupon your Orators nothings doubting but that the said James Sherley would have performed the same to and with your Orators accordeing to many faithfull promisses and protestaçons by him made in that behalfe and to and for the purpose aforesaid your Orator Richard Andrewes did . . . paie and deliuer to the said James Sherley the some of Eleauen hundred Thirtie and six poundes of good and Lawfull money of England or thereaboutes for his said share And parte of the said Aduenture and to be employed by him in such manner as aforesaid and that your said Orator John Beawchampe did alsoe and in like manner aboute the time aforesaid paie and deliuer for his said share to him the said James Sherley to and for the purpose aforesaid the full some of Eleauen hundred Twenty and seauen poundes of like lawfull money or thereaboutes And the said James Sherley pretended that hee did alsoe add the some of Eleauen hundred and Nyntie poundes for his said share or thereaboutes to your Orators said money for the mayntenance of the said Trade and as a joint stock to be employed as aforesaid (the truth whereof that is to saie whether the said Sherley did add any such or any other some of his owne to your Oratours moneyes as aforesaid your Orators did not knowe.) And the said James Sherly dureing the Continuance of the said trade or Adventure being aboute Fower or Five yeares together did according to the said Agreement and uppon his promise of makeing accompte and payement and of keepeing iust bookes of his dealinges and proceedinges as aforesaid imployd the said money and . . . all the whole retornes profit benefit and proceed thereof made either in beauer skinnes Otter skinnes and other skinnes or otherwise or of all other Comodities made and retorned from the said newe plantacon amounteing to the some of Twelue or Thirteene T[housand]



poundes and diuers of the said goodes and skines the said James Sherley hath sold and Conuerted to his owne use and some other parte thereof hee the said James Sherley hath sold and taken security for the same of and from seuerall persones unknowen unto your Orators of all which . . . their said seuerall stockes and Aduenture aforesaid and of the returnes profit benefit and proceed thereof and euery parte thereof and how and in what manner hee the said James hath disposed and imployed the same your said orators and either of them are and ought to have a iuste and true accompte of and concerninge the said premisses and are and ought to have their iust and due shares and partes thereof And the said James Sherley is or ought according to his said promise and agreement to give and render your Orators a iust and true accompt of all his dealinges and proceedinges in the aforesaid premisses and to produce and shewe forth his notes and bookes of accompte of and Concerning the said premisses whereby the truth of the said premisses may and might the more playnelie and Cleerely appeare which to doe your said orators and either of them haue seuerall times Required and demanded the said James Sherlie. But nowe soe itt is may itt please your honorable good Lordshipp that the said James Sherley haueing receiued your Orators said stockes and haueing likewise . . . time taken had and receiued all the said retornes proffitt and proceed thereof and euery parte and parcell ther of as aforesaid and well knoweing that your Orators by the stricke rules of the Common Lawes of this Realme could not nor Cannot compell the said James Sherley to produce or shewe forth his said bookes or notes of Accompte or to come and giue your orators A iust and true accompte of and Concerning your Orators said Stockes and the profit benefit and proceed thereof in respecte your Orators cannot make such a iust prooffe of the deliuey of their said Stockes or of the Certaine parcelles and quantities of Beauer and other skines and Commodities as from time to time dureinge the said ioynte trade and Aduenture came to the handes and dispose of James Sherley or any other by his appointment or priuity and the wittnesses that should make prooffe thereof are many of them deade or the other gone to places remoate and beyond the seas soe that your Orators cannot finde them to make use of their testimonies in this behalfe as the Lawe in this case requireth And thereupon hee the said James Sherley well knoweing the premisses to be true in such manner as the same doeth are herein before sett forth did and nowe doeth with intent to defraud and deceive your Oratours of their iust and due parteis and shares of the said premisses and out of a Couetious disposiçon to gaine the same himselfe deny and refuse to shewe or produce his

said bookes or notes of accompte wherein hee likewise hath latelie Caused seuerall thinges to be altered or amended to the prejudice of your orators and likewise doeth refuse to come to an accompt with your Orators or either of them for the said premisses or any parte or parcell thereof or to paie or giue your orators their said partes or any parte of the said retornes profit proceed or benefitt thereof or of any parte thereof dureing the Continuance of their said trade butt uniustly and unconscionably upon many false and fained pretences detayneth the same and euery parte and . . . thereof to your Orators greate damages Contrary to all equitie and iustice although hee the said James Sherley hath often in a freindly and loueing manner bein thereunto required as aforesaid but instead of giueing or makeing your Orators an accompte of and concerninge the said moneyes he the said James Sherley hath often and in a vyolente manner giueing out speeces that hee the said James Sherley will first dye and rott in prison before hee will giue your orators or either of them any accompte concerninge the said premisses any parte thereof or make payment of any parte or parcell of your Oratores said iust dues aforesaid although the said James Shereley hath by noates under his hande and otherwise acknowledged great somes of money to be due to your Orators and either of them out of and by the said seuerall stockes trade aduenture and premisses aforesaid And the said James Shereley intending further to defraud your Orator Beauchamp did about Fiue years since request and perswade your orator John Beauchampe to disburse and laye downe ouer and above his stocke and proceed aforesaid the some of Fiue hundreded poundes to the seuerall persones hereafter . . . for and concerninge the said Trade and aduenture either for payment of debtt in the said trade and aduenture or otherwise vizt Twoe hundreded poundes to one Robert Hudson and twoe hundreded poundes more to one Peeter Bul[teele] one hundreded poundes more to one Dericke Hoaste which your Oratour John Bewchampe accordingly did iustely and truley disburse and paie to the said parties upon the faithfull promise and agreement of the said James Sherley [that] he the said James Sherley would then forthwith and before hee paid and deliuered any parte of the said stockes or the proceed thereof either to himselfe by defalcaçon otherwise to any other person whatsoever to repaie the same with . . . the forbearance thereof on-till the tyme of payment thereof the which likewise to doe or paye the said James Sherley hath refused and doth utterley refuse to pay although he the said James hath also been thereunto required . . . Sherley contrary to his said Agreement and promise hath long since as hee himselfe hath giuen out in speech taken out his said stocke

and proceed profit and benefitt thereof amounteing to a greate value All which . . . Sherly and contrary to all right equity and good conscience In tender consideraçon of all which premisses and for as much as your Orators by the stricte rules of the Comon lawes of this Realme are and be quite remedillesse unless . . . as well for the reasons aforesaid manifestlie appearing as also for that your Orators cannot proue the payment of the aforesaid seuerall some and somes of money in such manner and forme hee should nor can thereby enforce the said James Sherley to come or giue . . . of or Concerninge the said premisses nor hath any meanes thereby to discover the truth of all and singular the aforesaid premisses or howe or in what manner hee hath disposed or layd out the said Joynt stocke or what proceed or benefitt hath been had or made thereof . . . that the said James Sherlie being by equitie thereunto called will confess and acknowledge the truth of all singular the aforesaid premisses wherby your orators shall and maye be relieued therein accordeinge to equitie and good Conscience to . . . said James Sherlie may particularlie and presisley sett downe and discover whether your orators and either of them did not heretofore pay into his the said Sherleyes handes such seuerall some and somes of money as aforesaid to and for such intentes and purpose . . . such Agreement as aforesaid or what intent and purpose the same were paid or what or how much money your said orators or either of them did paye into his the said Sherlies handes to be used or employed in such manner as aforesaid and . . . hee had or receiued the same one that the said James Sherley may sett forth what or how much money hee did add of his owne to the said Joynt stocke and may truly and particularly sett forth how and in what manner hee hath employed the said money . . . thereof and what retornes or quantities of Beauor Skinnes or any other skinnes goodes or comodities hee or any other person by his privity direction or to his use haue or hath had or receiued from the aforesaid plantaçon in Newe England . . . reason of the said moneyes or any parte thereof or what other profit or proceed thereof he hath at any time heretofore any waies had or made of or by reason of the said moneyes or adventure and howe and to whome he hath sold . . . Comodities . . . or any parte thereof and for what or how much and upon what securities and what and how many of the said goodes or skinnes or other proceeds he hath converted to his owne use and may likewise sett forth whether he did not . . . \*direction to paie the seuerall somes of 200 *li.* to Robert Hudson and 200 *li.* to Peeter . . . Hoste or anie or either of them\* and whether he did not agree and promise to

\* These words are interlined; the caret mark indicating their proper position is not visible.

repay the same unto your oratour as aforesaid and that he may sett forth whether hee did not keepe some notes writteinges bookes of accomptes of and concerning his said dealinges and proceedinges . . . and of the particulars of the seuerall retornes and quantities of Beauer Skinnes and other skinnes or goods which hee had received as aforesaid and that hee may shewe forth and produce the same unaltered upon his oath and may . . . orators and either of them a iust and trew accompte of all his said dealinges and proceedinges aforesaid and may giue and paie your orators and either of them their iust and true shares and partes of the said Aduenture . . . with damages since the same ought to have been paid and maye make a full and perfect Aunswer to all other and singular the afore said premisses wherby your said orators may be receiued therein according . . . and that your orator maye be releiued in the premisses May itt therefore please your good Lordshippe the premisses considered to graunte unto your Oratores his Majesties most gracious writt of subpena to be directed to the said [Sherly] Comandeing him thereby att a certaine daye and under a Certaine paine therein to be limited personally to be and appeare before your good Lordshippe in the high and honorable Courte of Chauncery then and there . . . premisses and further and to stande to and abide shuch further order and direction therein as your Lordshippe shall thinke most fitt and Convenient and your Oratores shall daylie praye for your good health and . . .

BOWYER.

Jur. xxx Martii 1641

Ro: RICHE

[signed: — ? Colchester.]

The severall Answere of James Sherley defendant to the bill of Complaynte of Richard Andrewes and John Beauchampe Complainantes.

The said defendant savinge to himselfe nowe and at all tymes hereafter all advantages and benefitt of excepcons to the incerteyntie and insufficiencye of the sayd Complainantes bill For a full and perfect answere thereunto or to soe much thereof as concerneth him this defendant to make answer unto hee saith That the said Richard Andrewes (named for a Complaynant in the said bill) liveth at Rotterdam in Holland And saith that the sayd Richard Andrewes before he went over to Rotterdam aforesaid told this defendant that the said Complainant John Beauchamp had spoken to him the said Andrewes to ioyn with him in suite against him this defendant but he the said Andrewes refused and would not ioyn with the said Complainant John Beauchampe And therefore this Defendant doth

verely beleeeve that if the said Richard Andrewes knewe that the other Complaynant John Beauchamp did make him the said Andrewes a partye to this suite he the said Andrewes would take it very ill there beinge noe cause at all wherefore the sayd Complainantes should putt this defendant to the trouble and expence of a sute For first this defendant absolutely denyeth that ever there was any such agreement made by with or amongst the said Complainantes or either of them and him this Defendant of putting in such a stocke or adventure of 1100 *li.* a peice mençoned in the bill or any other some whatsoeuer for the purpose in the bill mentioned for both they the said Complainantes and alsoe this Defendant were at seuerall tymes sollicitid and drawne into the adventure at the earnest perswasion of one Isacke Allerton Agent for the planters of Plymouth in Newe England mençoned in the Bill And for that end the said planters gave the said Allerton Commission under their handes and seales and writt and gave letters of creditt that what the said Allerton tooke up or procured they tyed themselves to allowe and make good and when the said Allerton had gotten in this Defendant and the Complainantes largely in adventure and in ingagementes the said Allerton told this defendant and the said Complainantes that all would bee lost if this defendant and the said Complainantes did not enlarge their adventures by puttinge in greater somes of money And this defendant denyeth that it was ever agreed or that he consented or undertooke to bee factor or agent for the Complainantes in the said adventure or for any other but only for the said Planters in theyre Agentes absence the said Planters havinge their husband Agent or Factor here or sent one over from tyme to tyme as they had occasion whoe did or should have bought such goodes as the said Planters gave order for and usually the said planters gave their said Agentes Commission under theyre handes and sometymes handes and seale of the towne for that purpose to authorise him for theyre Agent which this Defendant never had And for the Receiptes and sale of any of the goodes the said Planters they sent over theyre then Agent Isack Allerton whoe had the full power of buying selling and receavinge the same from the year 1626 to the yeare 1631 only they had the use of this defendantes house and warehouse and sometymes desired this defendant to receaue and paye forth theyre Monyes which hee did for them of all which receiptes and paymentes this defendant (by and with the helpe of the said Isaacke Allerton the said Planters Factor or Agent) did make and deliver unto the said Isaacke Allerton on theyre behalfe a true and iust account in writinge and delivered a copie thereof unto one Edward Winslowe a Planter and at that tyme was also the generall husband Factor or

Agent for the said plantacon in the room and place of the said Isaacke Allerton And in that account which this defendant thinketh beareth date the xvjth of March 1631 it did appeare that this defendant was really and truly out of purse the full some of 1866 *li.* 3s. 4d. only hee then accepted with provisoe in case they were received by way of discount certayne debtes that were then oweinge to the said Planters to the value of 675 *li.* 14s. 7d. which being deducted out of the aforesaid some of 1866 *li.* 3s. 4d. there remaines as debt due to this defendant the some of 1190 *li.* 8s. 9d. And then upon the said account makeinge this defendant gave unto the said Complainantes a note of what hee conceived either of them were out of purse which amounteth to the some menconed in the bill or thereaboutes but before the makeing of such note this Defendant shewed to the Complainantes a note of some particulars to have them rectifye what they should finde amisse concerninge the said Account which the said Complainantes to this defendantes best remembrance did not doe and this defendant denieth that he received soe much money of the said Complainante John Beauchampe for the said busines and adventure as is menconed in the bill but only the some of 527 *li.* 4d. And further the said defendant denyeth that there was any agreement betweene him and the said Complainantes or that he undertooke to bee Factor or Agent for the said Complainantes or either of them as before is set forth but what he did was for the said Planters and at their earnest request for he often desired the said Planters and their Agent by word of mouth and by letters to make Choice of some other for it was too great a burthen for him to undergoe for that in the yeare 1633 this defendant sent the said planters an abstract or breviat of the accomptes betwixt the said planters and this Defendant by which it appeared that this Defendant was out of purse for the said planters 1200 *li.* and upwardes more then his said Adventure before the planters commodities which they returned into England could bee sold and the money gott in for the same And had it not beene for the deepe ingagements of this Defendant and the earnest request of the said Complainantes he would have long agoe left the said busines And this defendant denieth that (to his knowledge or remembrance) hee ever made any promise or agreement to and with the said Complainantes for keeping any account for them for what hee did was only for the said planters and to them hee is ready to give an Account of any thinge he hath received or done as hee formerly did in the yeares 1623 and 1631: provided the said Planters or their Agentes or some other deputed by them doe make a just and particular account of the employment and proceed of the said adventures for this defendant saith hee con-

ceaveth it is the said planters parte to render an account to them this Defendant and the said Complainantes and not the Complainantes and this Defendant to account one to another for it was alwayes taken and conceived that the planters were on party and this defendant and the said Complainantes the other And this defendant further saith that what hath beene receaued upon the account betwixt the planters and this Defendant hee this defendant cannot sett downe till the said planters or theyre Agent and this defendant have conferred or compared theyre notes together and then hee shall bee ready and willing to shew the said Account or anythinge else that concerneth the said adventure to the said Complainantes And this Defendant denieth that hee hath converted to his owne use or sold away any of the goodes or skynnes or any other Commodities which hee hath at any tyme receaved from the saide planters but what hee will bring to their account And he further saith that hee doth not remember that ever hee sold any parcell of skynnes or other goodes of any value since the makinge of his last account to the planters, but hee acquainted the said Complainantes or one of them with the sale thereof and desired his or their advise, and most commonly tooke the bills or bondes entred into for such goodes in the names of the said Complainantes and this defendant ioyntly and the said Complainantes never seemed to dislike any thinge that this defendant did in the busines however there is but a debt of twelve poundes or thereabouts concerninge the said account which this defendant thinketh to bee desparate and for that there is a bond to bee delivered to the said planters upon makinge upp of the sayd account And this Defendant is soe ready and willinge to come to an account with the said planters that hee hath often writt unto the said planters and their Agent Factor or husband to come or send over that soe all accountes might bee made up and finished betwixt them And further this Defendant saith that hee hath offred (as by copies of letters hee can make appeare) that if they desired it hee would give them a meeting in any place in England France or Holland that soe all accountes concerninge the saide adventure might be settled for this Defendant affirmeth that in making upp both the said former accountes hee had from tyme to tyme the helpe of the said planters agent whoe for the most parte did mannage all the busines here both in buyinge and sellinge And they have delivered in this Defendant severall notes for commodities bought, in which other men had partes soe as hee cannott tell iustly what to charge on their Account without their assistance by reason whereof hee keeps the notes, but hath not nor cannott booke them And likewise the beaver and other skynnes which they sent over other planters

(some whereof had noo share in the said Adventure) had seuerall parcells thereof delivered them some by theyre Agent and some by letter so as this defendant cannott iustly sett forth what was receaved but by and with their helpe and assistance And whereas the Complainantes alleadge in their bill that hee this defendant intendeth to deceave and defraud them of their dues hee this defendant denieth that hee hath any such intençon neither is it in his power soe to doe but in the said planters which hee is perswaded they will not for hee doth verily thinke and hope that when all accountes are drawne upp and ballanced betwixt the planters and this defendant that the said planters will be much in this defendants debt as they were when both the former accountes were made upp and this defendant denieth that hee ever altered any notes or bookes of Account as is most falsely pretended by the said Bill whereby the Complainantes might bee any way wronged or damnified And further this defendant confesseth that hee hath and doth refuse to account with the said Complainantes because as before is sett forth hee is not lyable to give an account for any thinge receaved or done by him to any other but to the said planters hee havinge not receaved any thinge to inlarge the Complainantes said adventure since the tyme of the makinge of the said last account which was in the said yeare 1631 from any other person or persons but from the said Planters And what is due unto the said Complainantes or him this defendant the planters are to make good rateably as their severall debtes or adventures doe arise For if this defendant had any surplus of money as in the bill is surmised which hee verily beleeveth he hath not (but that the said planters bee much in his debt) hee conceaveth he might not safely pay it to any person or persons without order and direcçon from the said planters And the said defendant saith as before that upon the makinge upp the account unto the said planters in the said year 1631 upon the changing of their Agent or Factor from Isaack Allerton to Edward Winslowe which was in March 1631 hee gave the said Complainantes voluntarily and freely without any demaund made by either of them a note out of the account which hee delivered to the said planters or their Agent of what hee conceived the said planters owed either unto the said Complainantes or to this defendant by reason of the said adventure, the true copie whereof hee hath still to shewe and the Complainant Beauchamp hath another copie alsoe as this defendant verily beleeveth whereby it appeareth that the said planters were debtors to the said Complainantes and to this defendant and not this defendant a debtor to either of the said Complainantes or to any of the planters soe as under the faver of this honorable



Court hee conceaves it very unconscionable and uniust for the said Complainantes to require that of this defendant which in their owne consciences they know hee is not to bee accountable for For what some or somes the Complainantes did at any time lay forth or expend in and concerninge the said Adventure was for the said-planters and not for this defendant as is falsely surmysed in the said Bill And this Defendant saith and confeseth that hee and the Complainantes John Beauchampe were bound in severall bondes together to Mr. Hudson Mr. Buttell and Mr. Host for 600 *li.* but hee doth not remember that hee requested the Complainant John Beauchampe to pay Robert Hudson the said 200 *li.* as is alleadged in the bill nor knowne that it was paid till he the said Complainant Beauchampe brought him a note of the interest money which this defendant paid to him accordingly And as for the debt of 200 *li.* to Peter Bullteele this defendant thinketh hee desired the said Complainant Beauchampe to laye it downe till moneyes could bee received in and concerninge the said Adventure, but this Defendant paid the interest and soone after in January 1631 hee deliuered unto the said Complainant three specialtyes of one Walter White amountinge to the some of 234 *li.* And this Defendant saith that hee and the said Complainant Beauchampe layd downe 100 *li.* a peice to pay Derricke Host his debt but all the . . . this Defendant paid from tyme to tyme notwithstandinge this defendant did then make it appeare to the saide Complainantes and soe the truth is that hee this defendant was rally out of purse for the said planters the some of 480 *li.* and upwards because the yeares 1635 and 1636 were so sickly in and about London that this Defendant could not sell the planters commodities nor receave in debtes then oweinge them And this defendant saith he hath heard by credible report that the said planters have since sent the Complainantes over commodities for their further satisfacōn and deliuered some in newe England by their or one of their appointment and therefore this defendant hath done noe wronge to the Complainant Beauchampe as is falsely suggested in the Bill but beleeveth hee is fully satisfied the foresaid somes And this defendant doth absolutely deny that ever hee gave out in speeches that hee had taken out his stocke debt or profitt but wisheth hee could truly have said soe but now and as before in this his answer hee saith that he doth verily beleeeve that upon makinge upp of the Accountes it will appeare that the said Planters are still much in this Defendantes debt and more then they are indebted to either of the said Complainantes by reason of the said planters late sendinge and settinge over goodes unto the said Complainantes towards satisfacōn of their debtes And this Defendant saeth hee doth verily beleeeve the

Complainant John Beauchampe did not deliver such somes of money toward the adventure as is specified in the said Bill for that the said Planters Agent Isaacke Allerton did take some excepcons against the some putt in by the Complainant Beauchampe at or about the tyme that this defendant deliuered upp the Account to the said Allerton in regard to the some putt in by the Complainant Beauchampe did appeare to bee but 777 *li.* or thereaboutes And this defendant saith that what skynnes goodes or commodities were sent over from Newe Englande into this Kingdome were sold and the proceed retorned backe in divers other Comodities which for the most parte the said Planters Agent bought or else towards payment of Bills of Exchange debtes and interest for the same for the said Complainant Beauchampe and this defendant were engaged to seuerall men for great somes besides theyre owne adventure soe as when this defendant made upp the foresayd Account in Anno 1631 the said planters were indebted to severall men above five thousand and nyne hundred poundes which this Defendant hath since endeavoured to pay as much as in him lay soe as what gaynes or profitte hath beene made must come from the said Planters which what it is this Defendant would as fayne knowe as the Complainantes but saith he doth not knowe nor indeed cannot knowe till the said planters and this defendant have mett together or they have made upp their Account which when it comes to his hand hee shall willingly shewe to the said Complainantes In the meantyme hee denyeth that he deteyneth any part of the Complainantes share or profitte in his this defendantes handes or custody to his knowledge as is surmised in the said Bill of complaynt And further this Defendant saith that he cannot finde by any former Account that ever the said Complainant Beauchampe paid in soo much money as is specified in the said Bill or Note made by the said defendant for there . . . any agreement or contracte made betwixt the said Complainantes and him this Defendant nor betwixt the said planters and the said Complainantes and him this Defendant what some should be putt into the Adventure by them or either of them but the adventure was voluntary and each of them might adventure more or lesse as they pleased For the planters did not furnish any stocke or adventure but the most part of the . . . defendant as hee hath above expressed as the said planters at severall tymes in theyre letters have acknowledged and what the Complainant Beauchampe is out of purse in and about the adventure this defendant cert . . . saith that the planters Agent Isaacke Allerton setts down but 777 *li.* 4*d.* as this defendant hath to shewe of the said Allertons writeinge as hee verily beleeveth And this defendant saith that in March

1630 he made . . . to Isaacke Allerton the Planters Agent hee being then at Bristoll and this defendant then desired the Complainant Beauchampe to give him a note howe much hee was out of purse for all did not come to the . . . as he could not make upp the Complainantes accompt neither then nor nowe and then the Complainant delivered this defendant a note in generall that hee was out concerninge the said adventure 1086 *li.* 18*s.* 7*d.* and from that . . . hath this defendant ever since made upp the said Beauchamps debt or some adventured but how true that note which the Complainant Beauchampe soe deliuered to this Defendant was this Defendant knoweth not nor the seuerall . . . but how much this Defendant hath upon his owne adventure he hath sett downe before and the bookes and former account will iustifye A copie whereof was delivered to the said Planters or there . . . thereof and for the retournes and proceed from the said Planters it will appear when the accomptes bee made upp betwixt the said Planters and this defendant And as for the convertinge of . . . hee this defendant saith that when the Planters commodities were sold and money receaved for the same he might perhaps use some part thereof for his owne occasions as hee had often lent . . . great somes to supply theyre occasions and many tymes he lent to the Complainant Beauchampe some of the Planters money hee havinge done often the like to them and sometymes . . . other freindes which he is lyable to make good to the said Planters upon account without that that any other matter or thinge in the said Bill of Complainant conteyned materiall . . . this Defendant to answer unto and not herein sufficiently answered unto confessed and avoyded trauersed or denyed is true all which matters and thinges this Defendant is ready to . . . honorable Court shall award And humbly prayeth to bee dismissed out of the same with his reasonable costs and charges in this behalfe wrongfully and without cause . . .

#### THE CASE OF SIMS.

The following is taken from Mr. GREENOUGH's collection:

Know all men by these presents that we Thomas Sims of Boston in the County of Suffolk as principal, and Charles G. Davis, Ellis G. Loring, Samuel E. Sewall, Wendell Phillips, Lemuel Gilbert, and Francis Jackson, all of said Boston, as sureties, are holden and firmly bound unto Charles Devens of Boston in said County of Suffolk, Esquire, in the full sum of three thousand dollars to be paid to the said Devens his executors administrators or assigns, to which pay-

ment we bind ourselves our executors, administrators and assigns firmly by these presents. Witness our hands and seals this fourth day of April A. D. 1851.

The condition of this obligation is such that whereas the said Sims has this day sued out from the court of Common Pleas for the County of Suffolk a writ of personal replevin against Charles Devens Esquire of said Boston, returnable to the Court of Common Pleas next to be holden in Boston on the first Tuesday of July next within and for the County of Suffolk, if the said Sims shall appear at said court to prosecute said writ of replevin against the said Charles Devens, and shall have his body there ready to be re-delivered, if thereto ordered by the court, and shall pay all such damages and costs as shall be then and there awarded against him, then this obligation is to be void, otherwise to remain in full force and virtue.

Signed sealed and delivered	his	
in presence of, the word Devens over	Thomas X Sims	[Seal.]
over the twelfth line being	mark.	
first inserted,		

RICHARD HILDRETH.	CHARLES G. DAVIS.	[Seal.]
JOHN MERRILL, to sig. C. G. Davis.	TIMOTHY GILBERT.	[Seal.]
LUTHER A. HAM.	S. E. SEWALL.	[Seal.]
	WENDELL PHILLIPS.	[Seal.]
JOSEPH D. COBURN	ELLIS GRAY LORING.	[Seal.]
Witness to signatures two last.	FRANCIS JACKSON.	[Seal.]

Commonwealth of Massachusetts.

Suffolk ss.

To the Sheriff of our County of Suffolk or his deputy or either of the Coroners thereof, Greeting:

We command you that justly and without delay, you cause to be replevied Thomas Sims of Boston, colored who, (as it is said) is taken and detained at the Court House in Court Street within our said County, by the duress of Charles Devens of Boston, Esq. that the said Sims may appear at our Court of Common Pleas next to be holden at Boston, within our county aforesaid, then and there in our said Court to demand right and justice against the said Charles Devens for the duress and imprisonment aforesaid, and to prosecute his replevin as the law directs:

*Provided*, the said Thomas Sims shall, before his deliverance, give bond to the said Devens in such sum as you shall judge reasonable,

and with two sureties at the least, having sufficient within your county, with condition to appear at our said Court to prosecute his replevin against the said Devens and to have his body there ready to be redelivered if thereto ordered by the Court; and to pay all such damages and costs as shall be then and there awarded against him. Then and not otherwise are you to deliver him. And if the said Sims be by you delivered at any day before the sitting of our said Court, you are to summon the said Devens by serving him with an attested copy of this writ, that he may appear at our said Court to answer to the said Sims.

Witness Daniel Willis Esquire at Boston the fourth day of April in the year eighteen hundred fifty one.

JOSEPH WILLARD, *Clerk*.

Suffolk ss. April 5th 1851.

By virtue of the within writ I have at two different times on this day, demanded of the within named Charles Devans Esquire United States Marshall, the surrender to me and the delivery of the within named Thomas from duress and imprisonment; at the same times presenting to the said Devans this writ with the annexed bond of the said Sims with sureties in the sum of three thousand dollars, but the said Devans refused to deliver the said Sims from duress and imprisonment claiming to hold him the said Sims by virtue of legal process, to him directed as the United States Marshall for the district of Massachusetts; and the said Devans at the time of the last above mentioned demand, by me made upon him for the delivery of the said Sims from duress, said that he had him the said Sims in his custody, and if I in the service of this writ should attempt to take the said Sims from [hi]m the said Devans, he [the] said Devans should interpose such and so much forceable resistance as would enable him to retain the said Sims in his custody; and I further return that at the time of said demands the said Devans had as he informed me, under his control a large number of men placed in and about the Court house in Boston where I understood the said Sims to be confined, as his assistants and as I wa[s] informed, to prevent the said Sims from being taken from his custody. I therefore for the reasons herein before stated r[eturn] this writ without delivering the said Sims from d[uiress and] imprisonment and without service.

DANIEL J. COBURN, *D. Sheriff*.

Some time during the month of May A. D. 1851, after these proceedings had been quieted this was given to me by Chas. G. Davis Esq. as being of no further use, it never being entered or becoming a

part of the records of the Court, and at 5 Nov. A. D. 1881 I present it to Chas. P. Greenough, Esq.

JOS A WILLARD, *Clerk of Superior Court*

[Endorsed] Writ de Homine Replegiando. Thos. Sims.

Remarks were made during the meeting by Messrs. J. C. WARREN, DANA, LONG, RANTOUL, MEAD and THAYER.

## JUNE MEETING.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved.

The Cabinet-Keeper reported the gift of a photographic copy of the portrait of Rev. Caleb Cushing (1672-1752), minister of Salisbury, Massachusetts.

The Recording Secretary, in the absence of the Corresponding Secretary, reported the receipt of letters from John S. Bassett, accepting his election as a Resident Member, and from William MacDonald as a Corresponding Member.

The Editor announced the gift by Prof. WILLIAM W. GOODWIN of the survey of Clark's Island, Plymouth Harbor, made in 1688 by Phillip Welles, and at the order of Sir Edmund Andros; by Mr. BOWDITCH of a letter of Isaac Hinckley, dated March 24, 1880,<sup>1</sup> and by Mr. BRADFORD of the miscellaneous writings of his father, Gamaliel Bradford, accompanied by the following note:

In presenting to the Society the collection of scrap-books, six in number, containing my father's miscellaneous writings for over forty years, I am simply carrying out his specific intention and wishes. He had long looked forward to this disposal of them, had arranged an oak cabinet for the purpose, and had himself prepared the greater part of the clippings and letters in chronological order.

A constant loyalty and devotion to any cause or organization with which he had become associated was one of his most marked characteristics, and I know that during his long connection with the Society he cherished its objects, prized the friendships that it gave him, and was most faithful in attendance at its meetings. If at times his eager and impetuous temperament led him to introduce something of modern controversy into its historical discussions, it was because he felt that there was no body of men in the country whom he would more gladly have converted to the cause he advocated.

<sup>1</sup> See p. 640, *infra*.

It is his persistent advocacy of that cause which gives interest to the collection of his papers now presented to the Society. For forty years he toiled unremittingly for one object, and although his progress was slow, against indifference, prejudice, and ridicule, he had at last the satisfaction of feeling that many of those whose judgment he most respected had come to the approval and acceptance of his views. And whatever opinion may be held of the views themselves, I think it will be recognized that he labored for them with all his soul and without any thought of personal advantage or reward.

Malcolm Storer, of Boston, was elected a Resident Member of the Society.

Mr. DAVIS, on behalf of Mrs. Lucien Carr, presented to the Society a copy of a poem, originally written for the *Boston Sunday Times*, by Mrs. Katharine McDowell, and published in that paper May 8, 1875. In 1876 it was reprinted as a pamphlet with the title: *The Radical Club. / A Poem, / respectfully dedicated / to / "The Infinite," / by / "An Atom." / Boston: 1876.* In this copy the names of the members of the Club are entered against the verses describing them.

Mr. SANBORN presented the following paper on

#### EDWARD GOVE AND HIS CONFISCATED ESTATE.

The first, and I believe the only case in New England, of a conviction and sentence of a colonial subject of the Crown, for the crime of high treason and "levying war against His Majesty the King," before the Revolution of 1775, was that of Edward Gove, a planter of Hampton (now Seabrook), in what soon became the royal Province of New Hampshire. He was arrested, upon a peace warrant issued by his neighbor, Justice Nathaniel Weare, and served by my ancestor, Lieutenant John Sambourne (as the name was then spelled), at the head of a detachment of the foot company of Hampton, January 27, 1683. He was then imprisoned without bail at Great Island, now New Castle; indicted, February 1, for treason; tried the next day before Richard Waldron, and two justices, convicted and sentenced without delay, under the barbarous terms of the old law, by which Vane had suffered, and Sidney was to die in London:



You shall be carried back to the place whence you came<sup>1</sup> and from thence be drawn to the place of execution, and there be hanged alive; your entrails shall be taken out and burned before your face, your head be cut off and your body be divided into four quarters, and your head and quarters be disposed of at the king's pleasure.

As the charter of the Province did not allow the provincial court or governor to execute a capital sentence, but required the felon to be sent to England, Great Island was not to witness this savagery; but Gove must remain in irons there, until he could be shipped to London for confinement in the Tower, till the king, Charles II, should order his execution. What was the crime which led to such swift trial and sentence? Gove himself, on reaching the Tower (June 6, 1683), thus stated it in a letter to Edward Randolph, written from the Tower to the Plantation Office, June 11:

Had I known the laws of the land to be contrary to what was done, I would never have done it. You may well think I was ignorant of any law to the contrary, since for fourteen or fifteen years past the same thing hath been done every year, and no notice at all taken of it.<sup>2</sup>

What Captain Gove, who was my great-grandfather's great-grandfather, meant by this odd statement I cannot imagine. He had been a citizen of Salisbury first, and then of Hampton (without moving his residence), for more than thirty years; had sat on juries, served in provincial legislatures and commanded soldiers. His actual offence was an armed demonstration, at the head of a few mounted men, against the royal Governor, Edward Cranfield, and the Duke of York, the heir to the crown, a Catholic. He had been a warm opponent of the Governor in the provincial Assembly of twelve members, representing the four towns which then alone constituted New Hampshire, — Robert Eliot, Philip Lewis and John Pickering for Portsmouth; Peter Coffin, Anthony Nutter and Richard Waldron, Jr. for Dover; Anthony Stanyan, Thomas Marston and Edward Gove for Hampton; and Bartholomew Tipping and Ralph Hall, with one vacancy, for Exeter. The upper house was the Governor's Council, appointed by the crown; Richard Waldron, Richard

<sup>1</sup> This place was the small fort which, ten years later (1693), gave its name to the chartered town of New Castle, and its commander was Captain Walter Barefoot, afterward Deputy Governor and Chief Justice of the Province.

<sup>2</sup> *Edward Randolph* (Prince Society), III. 231.

Martin and Christopher Hussey; Robert Mason, who claimed to own the whole Province and part of Massachusetts; Samuel Dalton, Elias Stileman and Job Clements. Richard Chamberlaine, the Province Secretary, was also a Councillor; the whole number being usually eight. This being the Parliament of New Hampshire, when Cranfield reached Portsmouth, in October, 1682, he soon summoned the Assembly, installed the new Councillors, and tried to get authority from the lower house to lay taxes, which they refused. He then prorogued the Assembly, and undertook to levy taxes by the Council alone, in which he had a majority, through Mason and Chamberlaine. Against this Gove, Waldron, Martin and most of the Puritan interest protested, and Gove counselled armed resistance, which the cooler heads in New Hampshire and Massachusetts opposed, till a more fitting season. They later also resisted by force the Stuart dynasty, when they heard at Boston, in April, 1689, that William of Orange was ruling in England; and after the arrest of Gove some of the Massachusetts leaders — Major Pike of Salisbury, for instance — tried to get Gove acquitted on the ground of insanity. Cranfield always charged that Gove was secretly supported by the clergy and magistrates of the two Colonies; and he was perhaps really afraid of his life. But his ruling motive in the indictment and conviction of Gove was to get hold of his confiscated property, which he thought to be larger than it was. The language of Gove was certainly seditious, and his demonstration might properly be called a riot. His house, which no longer exists, was near that of Justice Weare, with whom Gove had quarrels, and who issued the first order for his arrest. Setting out from Seabrook, with his son John and his servant, William Healey, mounted and armed, they repulsed a marshal serving Weare's warrant, rode to Exeter, seven miles, passing the house of Gove's son-in-law, Joseph Sanborn, who the Christmas before had married Gove's daughter Mary, and at Exeter and its vicinity they were joined by three young Wadleighs, sons of Robert Wadleigh, a prosperous lumberman, by Mark Baker (ancestor of the late Mrs. Eddy), Thomas Rawlings, Edward Smith, John Sleeper, John Young, and an unnamed trumpeter, who escaped on his fleet horse, without getting mentioned in the indictment. This force then trotted over Bride Hill to Hampton Village, where

Lieutenant Sambourne had his men mustered to halt them. They were stopped, made slight resistance, without bloodshed, and were all in Great Island prison that same night. It was a premature demonstration, which might have been a revolution, perchance, had it been delayed for three days, when Cranfield intended to have a special service on the 30th of January, in memory of the execution of Charles I, whom most of the Puritans regarded as justly slain.

Cranfield's word can seldom be taken in his variable reports to his friends Blathwayt and Jenkins, officials in London; but Randolph, though a prejudiced and soured person, usually told the truth with some exaggeration, and his account was this:

Edward Gove, a leading man, and a great stickler in the late proceedings of the Assembly, made it his business to stir the people up to rebellion, by giving out that the Governor, as Vice-admiral, acted by his Royal Highness' [Duke of York's] commission, who was a papist, and would bring Popery in among them; that the Governor was a pretended governor, and his commission was signed in Scotland, etc. . . . He solicited many of the considerable persons in each town to join with him to recover their liberties infringed . . .; adding that his sword was drawn, and he would not lay it down till he knew who should hold the government . . .

Fearing he might get a party too strong for the civil power, (as indeed it proved, for Justice Wyer and a marshal and constable was repulsed,) the Governor, (though much dissuaded,) forthwith ordered the militia of the whole province to be in arms . . . [From Exeter Gove] suddenly returned with twelve men belonging to that town, mounted, and armed with swords, pistols and guns, (a trumpet sounding) and Gove with his sword drawn riding in Hampton at the head of them . . . [The Governor at Portsmouth] was taking horse, and with a part of the Troop, intended to take Gove and his company: but . . . a messenger brought word that they were met withal and taken, by the militia [of Hampton,] and secured with a guard. The trumpeter, forcing his way, escaped: after whom a hue and cry was sent to all parts: but as yet, he is not taken. . . . The prisoners were examined before the Governor and Council, where Gove behaved himself very insolently. . . . Capt. Barefoot having the trained band of Great Island then in arms, was ordered to take care of the prisoners, and keep a strict watch upon them, in regard the prison was out of repair. . . . They were all indicted upon the 13th of the King,<sup>1</sup> for levying war against His Majesty. Gove pleaded

<sup>1</sup> A statute of 1662 against treason.

not guilty, . . . but owned the matter of fact, and to justify his taking up arms, pleaded against the Governor's power, that he was only a pretended governor, by reason that his commission (as he said) was sealed in Scotland . . . The other prisoners pleaded not guilty; but had little to say in defence for themselves further than they were drawn in by Gove. The jury, after long consideration, found Gove guilty of high treason upon the indictment, and all the rest "in arms": in regard the other prisoners were specially found, the Governor ordered the court to respite their judgment till His Majesty's pleasure should be known therein; most of them being young men, and altogether unacquainted with the laws of England.<sup>1</sup>

The Historical Society of New Hampshire has among its many manuscripts the letter, often quoted, which Gove wrote to the Justices, from his Island prison, January 29; one of the few of his writings that have been preserved.<sup>2</sup> It shows a good handwriting and that independent spelling, so common in the age of Milton, Lady Verney and the wife of Cromwell. In it Gove said:

Gentlemen, according to what I know and believe, I am falsely indicted, and I am abused, notwithstanding, by another inditement, being in irons by Capt. Barefoot's order; which irons are called bilboes, exceeding heavy. . . . We have a hard prison, a good keeper, a hard captain, — irons an inch over five foot and several inches long, — two men locked together. Yet I had, I thank God for it, a very good night's lodging, better than I had<sup>3</sup> fourteen or fifteen nights before.

<sup>1</sup> *Edward Randolph* (Prince Society), III. 258.

<sup>2</sup> Printed in Belknap, *History of New Hampshire* (Farmer), I. 99 n.

<sup>3</sup> Here he seems to allude to the excitement at the proroguing of the Assembly, which met on this same Great Island, then a part of Portsmouth, where both Cranfield and Barefoot had houses in 1683. It was on this same Great Island, in the house of George Walton, where the Province Secretary Chamberlaine boarded, and solaced his dejection by playing the rebec, that occurred a premonitory symbol of the disorder to be produced by Cranfield, Gove, Mason, Barefoot and Chamberlaine himself, in the following years, from 1682 to 1692, when regular government was again established under William and Mary and the royal Governors of Massachusetts. In July, 1682, three months before Cranfield reached Portsmouth, as Chamberlaine sat touching his instrument in Walton's chamber, occurred that "Lithobolia" or demonic stone-throwing, so fearfully described both by Cotton Mather and Chamberlaine. The latter published at London in 1698 his pamphlet of 16 pages entitled "Lithobolia: or, the Stone-throwing Devil," now a very rare record. To disbelieve that these stones, cast about by unseen hands, were thrown by "Infernal Spirits (Devils Incarnate) or Witches," Chamberlaine said, a person "must temerariouly unhinge and undermine the best

The property of Gove was chiefly in land and forest, with the stock of beasts which his land supported, and was not easily turned into money. Consequently, when he reached the Tower, Gove must have been poor indeed; and his lands in Seabrook were already under attainder and legally forfeited. His children and neighbors doubtless joined in claims against him, which would put all such property as they could attach under protection from the forfeiture. This is what Cranfield meant by writing to his English friend that Gove's estate was so "conveyed away" that only £200 remained for the Governor to seize, — and that two years must pass before he could receive even all of that.<sup>1</sup> Writing from the Tower, June 11, 1683, to Randolph, who had brought him over to London, — out of needless irons on shipboard, we may assume, — and had learned to know the untreasonable nature of the man, Gove said:

I have further to request of you (if it may not be inconvenient) that you will please to assist me with some money in my necessity; and (as far as my promise may signify in the case) do promise that whatever you will be pleased to furnish me withal here, you shall take it out of my estate in New England.<sup>2</sup>

Probably Randolph, who was a liberal person, though far from rich, complied with this request, and received his repayment from the four children of Gove in New England. His older son, John, was soon released from imprisonment, and, with his brother Ebenezer and his brother-in-law Sambourne, pledged property and advanced money for their imprisoned father across the sea. What occurred in London we now know in part, from copies of the official papers, obtained by a descendant, Asa D. Gove, of New York, at London in 1849, and given to our Society in 1852. I inquired for such papers at the Tower itself, when I was there in June, 1890; but though some of them were on file there, I could not find them. They are here given in abstract; but as they are curious, and the case is unique, I would ask that they be printed in full. The first,

religion in the world, and must disingenuously quit and abandon that of the three theologic virtues or graces to which the great Doctor of the Gentiles gave the precedence, — Charity, — through his unchristian and uncharitable incredulity."

<sup>1</sup> P. 233, *supra*.

<sup>2</sup> *Edward Randolph* (Prince Society), III. 231.

dated at Whitehall, London, March 24, 1849, is a letter from H. Waddington, to A. D. Gove, Craven Hotel, Strand, authorizing Mr. Gove, an American, in the name of Sir George Grey, a secretary of State, to have "copies or extracts of documents in the State Paper office which relate to Edward Gove, imprisoned in the Tower in 1683."

Then follows, dated Whitehall, June 6, 1683, a letter from Sir Leoline Jenkins, Knt., "of His Majesty's most honorable Privy Council, and principal Secretary of State," announcing that,

Whereas Edward Gove, late of Hampton in the Province of New Hampshire, in New England, who was convicted and condemned for High Treason in levying war against our Sovereign Lord the King, at Hampton aforesaid, and sentence of death passed upon him there for the same, hath since been sent for this kingdom of England, by warrant from Edward Cranfield, Esq. Lieut. Governor and Commander-in-chief of the said Province, of New Hampshire, on the ship, the *Richard* of Boston, Thomas Joules Master; and whereas, by warrant from me the said Gove has been delivered from on board the said ship into the custody of one of the messengers of His Majesty's Chambers, and brought before me, according as the said Edward Cranfield had directed the said Joules to do:

These are therefore in His Majesty's name to will and require you to receive into your custody the person of the said Edward Gove, herewith sent; and him safe to keep until His Majesty's pleasure be signified to you, further to dispose of him according to law. And for so doing this shall be your warrant.

*To Thomas Cheeke Esq. Lieutenant of His Majesty's Tower of London."*

In response to this order, June 7, Cheeke replied:

I received a prisoner last night by your warrant. I thought you had been at Hampton Court this day, or I should have acknowledged it earlier. The fellow is poor, and I wish to know if the king will allow him maintenance. I keep two warders with him, — one to lie in his chamber, and one never to be out of his sight. Our warder houses are so full of our officers that we have no place for prisoners.

So passed the next year, — Gove in unnecessary irons, as he had been at Great Island, while awaiting trial, — but his neighbors in New Hampshire in active efforts to rid themselves

of the tyranny of Cranfield, who had now joined himself definitely with Robert Mason in an effort to obtain an acknowledgment from the inhabitants, of the Masonian ownership of the lands of the Province, and this to be followed by leases taken out by them, and the payment of quitrents, which would give Mason a large income, like an English landlord. For maintaining his claims in this matter, Mason promised the Governor 150 pounds sterling a year, which never seems to have been paid; while Cranfield put the officials of the Province at Mason's service to collect his rents. So annoying did this become that the chief men of the four towns, especially in Portsmouth and Hampton, raised a fund of one or two hundred pounds, and sent Justice Weare to England early in 1684, to bring their wrongs to the notice of English courts, to which they appealed; and to use influence with the ministers of Charles II for the removal of Cranfield. For this purpose Weare took with him a numerously signed petition from the landholders of the Province, complaining of Cranfield and Mason's exactions; and he caused charges against the Governor to be entered before the Privy Council, of which Savile, Marquis of Halifax, was then President. He also visited Gove in the Tower, whose case came before Halifax and his colleagues of the Council in May, 1684, in this form, as the papers in our archives show:

At the court at Hampton Court, May 28, 1684. By the King's Most Excellent Majesty, and the Lords of the His Majesty's Most Honorable Privy Council.

Upon reading this day at the board the humble petition of Edward Gove of New Hampshire, in New England, a prisoner in the Tower of London, praying that he may be released from his irons, and have the liberty of the Tower,

It was ordered, by his Majesty in Council, That Thomas Cheeke, Esq. Lieutenant of his Majesty's Tower in London, or in his absence that the Commander-in-Chief, do forthwith cause the said Edward Gove's irons to be taken off, and that he or the Commander-in-Chief do likewise grant him the liberty of the Tower, upon good security that he will remain a true prisoner there.

PHIL LLOYD.<sup>1</sup>

<sup>1</sup> This gentleman seems to have been the clerk of the Privy Council for several years. He signs the audit of bills for the safekeeping and board of prisoners in the Tower, which the Privy Council made.

So it seems that for nearly a year this harmless Puritan, who had no thought of escaping, and had petitioned the king for pardon, was kept ironed in his chamber, and a part of the time with two expensive warders watching him. It was a period of anxiety in London, for in the July following the arrival of Gove at the Tower, the Ryehouse plot was discovered; Essex was put to death or committed suicide in the Tower; Lord Russell was taken from the Tower to be beheaded, and the Dons of Oxford solemnly declared, and assured King Charles, that to hold that all civil authority is derived originally from the people, and that if princes become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right to govern, — "All and every of these propositions [reciting 25 others] are false, seditious and impious, and most of them also heretical and blasphemous; infamous to the Christian religion and destructive of all governments in church and state."

In the following December Algernon Sidney was executed, and the king began to take away the charters of the English cities by his arbitrary power, supported by subservient judges and prelates. The most of the persons accused of treason and beheaded were with Gove in the Tower in 1683-1686; among them the Duke of Monmouth, who passed for the king's own son. The bills for Monmouth's short stay in the Tower before execution, in July, 1685, along with Gove's bill for the same Michaelmas Quarter, were as follows:

For safekeeping the late Duke of Monmouth from the 13th of July to the 15th following, inclusive, being three days, at £.10 per week, ancient allowance, and £.2, 4s, 5d per week present demands, according to Retrenchment, 19s. 00¼. For safekeeping the Lord Lorn and Edward Gove, from the 25th June, 1685, unto 29th September following inclusive, being 13 weeks and 6 days, according to the same allowance and to Retrenchment, £.18, 9, 5.

These bills, in the original, bear the audit and approval of the Privy Council, or as many of them as happened to be present when offered; in Gove's case, for the two quarters in 1685-6 here copied, the signers were Robert Howard, Lord Chancellor Jeffreys, Lords Clarendon, Rochester, Huntingdon, Mulgrave, Plymouth, Craven, Sunderland, and J. Bridgwater, and Wm. Bridgeman, for October, 1685. Before the bill for



1686 was presented, however, the following proceedings had occurred:

*March 5, 1685-86. Court of Whitehall.*

Present, the King his most excellent Majesty, his Royal Highness Prince George of Denmark, Lord Archbishop of Canterbury, the Chancellor, Treasurer, President of Council, (Halifax) Chancellor of Exchequer, Earls Craven, Berkeley, Plymouth, Monson, Middleton, Lord Viscount Preston, the Bishop of Durham, Lord Dartmouth and Godolphin.

Upon reading this day at the board the petition of Edward Gove, prisoner in the Tower humbly praying that he may be inserted in the next general pardon, His Majesty [James II] was pleased to order that he be inserted in the next general pardon which shall come out for the prisoners at Newgate; and that in the mean time Thomas Cheeke Esq., Lieutenant of the Tower, to bail the petitioner to appear and plead his pardon.

This was not the first step in Gove's pardon. Next followed this entry:

March 9, 1686. Edward Gove discharged: giving his own recognition for his appearance at the sessions of the Old Bailey to plead his pardon.

SUNDERLAND.

These later proceedings followed on the actual granting of Gove's pardon, of which I show a photographic copy,<sup>1</sup> and which was actually granted at Windsor, September 14, 1685, soon after the accession of James, upon his brother's death in the preceding February. It is signed by Lord Sunderland, who did not order Gove's discharge till nearly six months later. But his pardon had been notified to Cranfield in New Hampshire, and had been preceded by a petition from Gove to the Lords of Trade in August, 1685, in which he said:

Edward Gove has now been a prisoner nineteen months, fifteen of them in the Tower, where the king has granted him life, release from irons and liberty to take the air. He has great hopes of freedom, if he can obtain copies of his indictment, trial and condemnation, and begs they may be furnished him.

This petition was late in August, and on the 26th of August, 1685, Halifax and the Board of Trade recommended his pardon.

<sup>1</sup> Printed p. 235, *supra*.

Upon this, Randolph wrote to his friend Sir R. Southwell (September 1) a fortnight before the pardon issued:

Mr. Blathwayt has got Gove set at liberty upon some slight obligation to his Majesty, for his good behavior: by which means His Majesty will be freed from the charge of maintaining him in the Tower at £. 3 a week.

The actual charge was 14 shillings less than this, as the above bills show. Probably the consideration of cost entered into the Secretary's mind; but Weare and Halifax took a wider view of the discontent in New Hampshire.<sup>1</sup>

Cranfield had taken all Gove's money that he could find; and therefore the prisoner in the Tower had to pray the king for another favor, which was granted.

*April 9, 1686. Court at Whitehall.* Present the King, Prince George Archbishop etc. [much as before, except that Earl Bridgewater, Viscount Fauconberge and Lord Chief Justice Herbert were added].

Upon reading the petition of Edward Gove, . . . In regard the said pardon, as he is informed, will not issue till Michaelmas next, and for that his family beyond the sea were in a necessitous condition, he humbly prays His Majesty to signify to the Government of New England his said gracious pardon, and that he may be restored to his former estate and condition.<sup>2</sup>

This the King in Council granted, and wrote in April, 1686, to Dudley's new government in Boston, set up after the abrogation of the old Massachusetts Charter, that Gove was "restored to his former estate and condition"; and that his property should be "ascertained and restored" to him. This was done, but the documents showing how it was done have disappeared, with many other papers of that disturbed period in New England. Accidentally I discovered in an old court record of New Hampshire, now in the State House at Concord, New Hampshire, the initial proceedings taken by Gove, in that Province. He attached the alleged property of Cranfield, a house on Great Island, valued at £400, and brought suit at the term of a court held by Justice William Stoughton at Portsmouth (in which

<sup>1</sup> See pp. 234, 235, *supra*.

<sup>2</sup> *Acts of the Privy Council* (Colonial), II. 67. Many references to Gove's "rebellion" and imprisonment are in *Calendar State Papers, America and West Indies*, 1681-1688.

one of the jurors was the brother-in-law of Mary (Gove) Sambourne, and Walter Barefoot took part in the proceedings), for the recovery of £200 unlawfully obtained by Cranfield. The date was October 6, 1686, — Gove having reached home in May; but the court merely adjourned proceedings till the new government at Boston could be heard from in the matter. Other old New Hampshire documents on file at Concord show that Gove died July 29, 1691, without a will, and that the estate was not finally settled till 1712. The explanation of this delay is thus stated in an agreement drawn up by the still surviving Justice Weare, and witnessed by him, March 26, 1712, as follows:

Whereas our honored father, Edward Gove of Hampton, deceased some years since, and left his lands and estate undisposed of by will; and there happening to be many arrears and disbursements arising to the lands belonging to our said father; and having in some competent measure come to a settlement thereof, we, the sons and successors of our said father, *vizt.* John Gove and Ebenezer Gove, to the end that we may enjoy our lands and propriety to ourselves, our heirs and successors, without invading and intruding, or claiming of rights of propriety in one or the other's precincts, we, the said J. G. and E. G. are come to a full and final agreement, which is as followeth: (Here the acres, metes and bounds.)

This implies that there were charges on the property; some made by Gove himself, some by Cranfield, and others by persons who had advanced money or taken lands of Gove for concealment from attainder, etc. These required time and patience, in more than twenty years, to clear up. In a settlement with my ancestor, Joseph Sambourne, who seems to have taken some lands by way of dowry for his wife, Mary Gove, and to have exchanged other lands with the Gove family, the property where I was born was retransferred by John Gove and Samuel Colcord, for a merely nominal sum in 1692. In these settlements some of the unregistered land of Edward Gove, a small meadow nearer Gove's homestead than Sambourne's, seems to have been held by Mary, my ancestress; and this has finally come down to me by a series of inheritances. It is now partly covered with a growth of pine forest, as vigorous, though not so old, as that which surrounded those homesteads two centuries ago; when this final settlement of the forfeited lands of the prisoner in

the Tower was made by the justice who had caused his arrest, promoted his release, and saw accomplished what my ancestor had unwisely sought to achieve by force, — the freedom of the Province.

ISAAC HINCKLEY TO CHARLES P. BOWDITCH.

THE PHILADELPHIA, WILMINGTON & BALTIMORE RAILROAD CO.  
PRESIDENT'S OFFICE, BROAD STREET & WASHINGTON AVENUE,  
PHILADELPHIA, March 24th, 1880.

MY DEAR SIR: Your letter of the 20th inst. in respect to the Cooper family, was duly received.

There is no doubt that the Cooper family need help, nor that the exertions of Mr Cooper to aid our troops were great and effective. The Country owes him a great debt, and I am very glad to learn that a movement is being made to help the survivors of his family.

Mr Cooper, after the war, became an illicit distiller, and was punished under our laws severely. Others of the family have borne unenviable reputations. This should have no effect detrimental to the claims of his Widow and two daughters, but should I think, deter benevolent people from making donations to others of the family.

If the history of the action of Philadelphia Citizens, in feeding and nursing the troops en route, were fully known; it would be plain to all, that justice demands that donations now made, should not be confined to the Cooper family. It seems to be understood erroneously, that Cooper not only originated the movement, but also took the larger share of the work. Neither of these premises is true. The Volunteer Refreshment Saloon was the first to be opened. It was in a building belonging to this Company, and given free of rent to the cause. This saloon had a capacity fully double that of the Cooper Saloon, and was maintained by the voluntary aid of Citizens, who gave time and food without stint.

The first detachments which passed through the City, were met on arriving at our Southwark ferry-landing, by crowds of eager people, generally of the poorer classes, each laden with food and drink for the troops. Shortly after, a Saloon and Hospital were established in this Co's building, and these were maintained in the most thorough, generous and systematic manner, until about June 1865. Mr Cooper's movement followed, and, I know not how, seems to be made to represent and overlay the earlier and larger enterprise.

There are now in Philadelphia persons who devoted themselves, their means, and what they could obtain by solicitation, to the first

enterprise, who are as much in need, as are the Widow and daughter of Mr Cooper.

If, as I hope, there be a generous subscription raised, in return for aid received by Mass<sup>ts</sup> Soldiers; it would be, I think, just and fair, when distributing it, to look into the claims of all who afforded such aid and are now reduced to poverty. Their number is small, their claims good. I enclose a Card of the older undertaking. I shall be glad to get and communicate further facts if desired.

Yours Truly,

ISAAC HINCKLEY,

*President.*

Mr. FORD spoke of a manuscript (Vol. 161, G. f. 1) which had been given to the Society in 1856 by Mr. Isaac P. Davis, and which appears not to have received the notice it deserves. It consists of two accounts, printed in full below, and relates to the arrest of Thomas Morton of Merrymount by Endicott in 1628. The first account covers the expenses incurred by Edward Gibbons while Thomas Morton was in his custody. Whether Gibbons was at this time a member of the Morton party, or merely associated with him for the time, being "a young man of reckless, roving disposition," is not known, though Scottow expressly states that he was "one of the Merry Mount Society," but "no debauchee."<sup>1</sup> The fact that Morton was apparently entrusted to his care after his arrest, would show that his connection with Morton was not close. The value of the account lies in the names mentioned, names of settlers who preceded the coming of Endicott. Roger Conant and Rev. John Lyford were at Natasco; John Bursley was at Wessaguscus, the place where Weston's men made such a failure; and Samuel Maverick occupied his house at Winnisimmett. William Blackstone was at Shawmut. But who were Pasco, Richard, Frost and Cribbe, or Crabbe? Were they also "first comers," earlier in Massachusetts than the Endicott party? A John Crab receives mention in the Dorchester Records,<sup>2</sup> the entry referring to some time between 1630 and 1632.<sup>3</sup> If the name is Cribb, a Benjamin Cribb was with two others whipped in 1631, "for stealeing 3 piggs of Mr. Ralfe Glouers."<sup>3</sup> Neither name receives later mention in the records. As to Frost, it may have been Nicholas

<sup>1</sup> Adams, *Three Episodes of Massachusetts History*, 384.

<sup>2</sup> *N. E. Hist. Gen. Reg.*, xxxii. 59n.

<sup>3</sup> *Mass. Col. Rec.*, i. 85.

Frost, later of Kittery, who in 1632 suffered severe punishment from the Massachusetts Bay authorities for theft committed at Damerills Cove upon the Indians and for other misconduct.<sup>1</sup> Savage throws no light upon the identity of these names. Bursley and Blackstone were among those who contributed towards the charges of sending Morton out of the plantation.<sup>2</sup>

The second account is probably an inventory of what was found in Morton's house and at Natasco. The hatchets and beads point to barter with the Indians, and the great complaint against Morton was that he did not scruple to trade powder, shot and guns with the natives, thereby endangering the English settlements, and leading to their combining to put down mine host of Merry Mount. The paper is the only known contemporary manuscript relating to the summary action taken against Morton by Endicott.

The writer of these accounts has not been identified, but it was not Gibbons himself.

PAID FOR TH: MORTON BY ED. GIB[BONS].

To Mr. Conant for vinegar . . . . .	o. o. 8
To Mr. Layford . . . . .	o. 6. o
To Pasco for a shirt . . . . .	o. 4. 6
To Richard . . . . .	o. 18. o
To Frost for lether . . . . .	o. 3. o
To Mr. Bursley . . . . .	o. 10. 6
To the store . . . . .	1. 14. 8
For a shute of Clothes . . . . .	1. o. o
For 3 pound of suger . . . . .	o. 9. o
For j gallon of Resaselis . . . . .	o. 7. o
For 10 lb. of Reasons . . . . .	o. 6. o
Due vpon an accompt . . . . .	o. 2. 2
in mony . . . . .	4. o. o
To Mr. Maverick . . . . .	o. 6. o
	<hr/>
	10. 9. <sup>3</sup> 6

<sup>1</sup> *Mass. Col. Rec.*, I. 100. In 1652, among those of Kittery who acknowledged themselves subject to the government of the Massachusetts Bay, were Nicholas Frost and John Bursley, both of whom were unable to sign their names. <sup>2</sup> *Maine Hist. Collections*, IV. 22. A third resident of Kittery, Antipas Maverick, also submitted, but he has not been connected with Samuel Maverick of Winnisimmet. A daughter of Samuel, Mary, married for her second husband, Francis Hooke of Kittery. Savage, II. 457.

<sup>2</sup> Bradford's *Letter Book*, I *Mass. Hist. Collections*, III. 63. The sum raised, £12. 7. 01, did not differ much from the total of the first account below.

<sup>3</sup> Should be 7.

The parte of trade is sould to . . . . .	10. 10. <sup>1</sup> 6
More of debt . . . . .	0. 15. 0
More of Mr. Blackstone . . . . .	0. 6. 0
More of Mr. Cribbe [Crabbe?] . . . . .	0. 18. 0
More of goodes sould . . . . .	2. 8. 4
	<hr/>
	13. 07. 10 <sup>1</sup>
Lent 30 wt. of beaver . . . . .	14. 7. 10
	<hr/>
	10. 9. 6
	<hr/>
	3. 18. 4

Due to Ed. Gibbons 10<sup>o</sup> Aprilis, 1629, upon his accompt, 17 *li* of beaver.

GOODS IN THE HOUSE AND AT NATASCOCK.

j: fowling peece . . . . .	2. 8. 0
j: pistoll . . . . .	0. 9. 0
j: barrell of lyme. . . . .	0. 4. 0
j: barre of lead . . . . .	0. 2. 9
j: sithe . . . . .	0. 3. 4
2 Rubbers . . . . .	0. 0. 6
1 spade . . . . .	0. 2. 0
18 trencher plates . . . . .	0. 12. 0
2 meltinge ladles . . . . .	0. 2. 4
It 5 Rugges used 2 traded. . . . .	1. 15. 0
78 <i>li</i> of leads . . . . .	0. 12. 0
1 skimer . . . . .	0. 1. 6
1 saucer . . . . .	0. 1. 6
21 hatchetts . . . . .	1. 1. 0
21 <i>lb</i> of pewter at 10 <i>d</i> per . . . . .	0. 16. 0
1 beaker . . . . .	0. 0. 6
9 <i>lb.</i> of powther . . . . .	0. 13. 6
30 <i>lb.</i> of shott . . . . .	0. 5. 0
j saw at Wessaguscus . . . . .	0. 12. 0
Sheete lead . . . . .	0. 1. 0
j calking Iron . . . . .	0. 0. 6
j barbers bason . . . . .	0. 2. 6
2 wast coate. . . . .	0. 6. 0
4 lether botteles . . . . .	0. 4. 0
4 ould howes . . . . .	0. 1. 6
j dram bole . . . . .	0. 1. 0
3 <i>lb</i> of beades . . . . .	0. 4. 0
hoppes . . . . .	0. 17. 6
ji how (?) . . . . .	0. 1. 6
	<hr/>

[12. 1. 5<sup>2</sup>]

<sup>1</sup> These figures were run through with the pen.

<sup>2</sup> The manuscript carries no footing.

Mr. FORD also submitted the following account, by one of the agents, of the mission sent to England by the Colony of Massachusetts, in 1690, to prosecute the charges against Sir Edmund Randolph.<sup>1</sup> The general outlines of the mission are given in the *Andros Tracts*, printed by the Prince Society,<sup>2</sup> but no such detailed account of the proceedings has yet appeared. The paper seems to have been known to Hutchinson, and he gives a paraphrase of one part of it in his *History* (i. 394). Not one of the four agents, for Increase Mather and Sir Henry Ashurst were already in that office, appears to have written to Massachusetts during the summer; for Governor Bradstreet, writing on November 29, 1690, complains that since Cooke's departure in February no word had been received from them for guidance on public policy.<sup>3</sup>

ELISHA COOKE TO SIMON BRADSTREET.

LONDON, October 16, 1690.

HONORABLE SIR,

After an exceeding stormy and every way dangerous passage of six weekes and six dayes thro Gods wonderfull mercy we arrived at Bristoll March 30th in the evening, and that night by the Post advised Mr. Mather therof;<sup>4</sup> April 1<sup>o</sup> Mr. Palmer,<sup>5</sup> Sherlock,<sup>6</sup> Farewell,<sup>7</sup> Pepoon,<sup>8</sup> and others of their passengers came to Bristoll also from some place in Wales, by whom we understood that Mr. Bant<sup>9</sup> was arrived at Scillie and had disposed of his passengers. Some went from on board his into another ship at sea, others he

<sup>1</sup> The original is in the collections of the Massachusetts Historical Society, c. 91. 1, and in a volume indexed by Timothy Alden, November 4, 1808. It must have, therefore, come into its possession at an early period of its history.

<sup>2</sup> See commission and instructions in *Andros Tracts*, III. 58, 59.

<sup>3</sup> But see Sewall, *Diary*, I. 326.

<sup>4</sup> Richard Martin, master, sailed from Boston February 10, 1689-90, with Elisha Cooke, Thomas Oakes and Ichabod Wiswall, agents for conducting the proceedings against Andros and his followers. 2 *Proceedings*, VII. 152. Wiswall, "though not formally accredited, acted as the representative of Plymouth Colony." *Andros Tracts*, II. 230. See Sewall, *Diary*, I. 309.

<sup>5</sup> John Palmer. *Andros Tracts*, II. 183.

<sup>6</sup> James Sherlock. *Ib.* 187.

<sup>7</sup> George Farewell, imprisoned at the same time as Andros. *Ib.* 186.

<sup>8</sup> Joshua Pison, ensign. *Cal. State Papers*, America and West Indies, 1689-1692, 272; *Andros Tracts*, III. 94.

<sup>9</sup> Captain Gilbert Bant. He also sailed from Boston February 10, having with him Sir Edmund Andros, Joseph Dudley, Edward Randolph, John West, James Graham, and others, sent home by the Massachusetts authorities for trial. 2 *Proceedings*, VII. 151.



let go off at Scillie, and all had their libertie to go where they pleased, of which Mr. Nicholson<sup>1</sup> can give account, so carefully did he observe your orders. April 3<sup>o</sup> their coach day we set out from Bristol and came hither the 5th in the evening, and immediately I went to Mr. Mather's lodgings and there found our papers, we taking up at an Inn at first. Mr Mather advised Sir Henry Ashhurst of our arrival, who was so exceeding kind that the next morning he sent his coach to the Inn desiring me and Mr. Oakes to keep the sabbath with him at Mr. Baxter's<sup>2</sup> meeting and dine with him; this day Mr. Dudley came to towne, Mr. Randolph the day before us, Sir Edmund and others the day after. Monday with Sir Henry Ashhurst we went to Whitehall to the Earle of Shrewsbury,<sup>3</sup> delivered your honors letter,<sup>4</sup> and prayd his favor to gaine us an opportunity to wait on his Majestie,<sup>5</sup> and the next morning being ushered by him, presented the Colonies Address to his Majestie at his Court at Kensington, which after being read to him by Sir H. Ashhurst he was pleased graciously to accept and sayd he would consider it: we went immediately to the Queenes<sup>6</sup> Lodgings with the Address, but she being then indisposed, which continued some time, that Address was not presented till the 21th, and then being ushered by her Majesties Chamberlain, the Marquis of Winchester,<sup>7</sup> and the Address read to her by Sir H. Ashhurst, her Majestie was pleased to say to us she would be kind to N. England, and as kind as the King; there being in that Address, as your honor may remember, an intimation of the King's kindness. But to return to the 8th Aprill, being upon the Exchange just before we went to Kensington with the Address, we met with a Notification from the Lords of the Committee for Trade and Plantations, intimating that they expected our attendance on their Lordships at the Council Chamber the Thursday<sup>8</sup> following about the business of N. England, and respecting his Majesties Letter of Command for sending over Sir Edmund Andros and others, that were under Restraint there. At the time we appeared, when

<sup>1</sup> Probably Heath Nicholson (p. 650, *infra*), or Captain George Nicholson. *Andros Tracts*, II. 132.

<sup>2</sup> Richard Baxter (1615-1691).

<sup>3</sup> Charles Talbot (1660-1718), twelfth Earl and only Duke of Shrewsbury. In February, 1689, he received the seals as Secretary of State for the northern province, but resigned them June, 1690, and remained out of office till March, 1694.

<sup>4</sup> See *Cal. State Papers*, America and West Indies, 1689-1692, 214. References to this volume in subsequent notes will be *Cal. State Papers*.

<sup>5</sup> William III.

<sup>6</sup> Mary, daughter of James II.

<sup>7</sup> Charles Paulet (1625?-1699), sixth Marquis of Winchester and first Duke of Bolton.

<sup>8</sup> April 10.

their Lordships told us that some Gentlemen were lately come from N. E., and that Sir Edmund Andros and others that had been sent over according to his Majesties Command had moved for their discharge, that they might attend their particular business; their Lordships desired us, if we had any thing to object against them, to lay it before their Lordships, and also inquired whither we had any Credentials, and who the persons were that were thereby impowered, for that their names ought to be upon Record there. We answered that we had brought Credentials, but had them not there, and that we had also brought some testimonies of matter of fact respecting Sir Edmund Andros and others, which we hoped would sufficiently vindicate the proceedings of the present Government in N. E. against them; but we were some of us but just arrived and all of us strangers to the proceedings of that Honorable Board, and therefore prayed that we might appeare and answer by our Council, and that time might be allowed them to peruse our papers, and then to draw up what might be proper. The Lord President replied the request was very reasonable, and after taking our Names in writing beginning with Sir H. Ashhurst and so on by the Secretary Mr. Blathwait, we were desired to withdraw, and soon after called in and told by my Lord President that their Lordships had ordered that we should appeare again that day seven night, being the 17th Aprill, with our Council, two of a side, and no more, and in the meane time should leave with the Secretary our Objections in writing on the Munday following (being the 14th day), that so Sir Edmund might have time to answer them, and that at our next appearing we should bring our Credentials. At the time appointed Mr. Humphryes, our solicitor, carryed the Objections to Mr. Blathwait: but when the Objections<sup>1</sup> were drawne up a discourse was raysed among ourselves about the signing of them, upon which our Council being consulted sayd there was indeed no need to sign them, their Lordships having taken our names already and recorded them with our Quality, and because we were properly but upon the Defensive side (the King's Command to send over Sir Edmund, and also this meeting of the Committee being both at his sollicitation), our business was therefore to offer the Reasons of the confinement of Sir Edmund Andros and his Crew, setting forth their Male Administrations of the Government, and thereby vindicate the people in the matter of the Revolution. After delivering the Objections<sup>2</sup> I assisted Mr. Humphryes in drawing up the

<sup>1</sup> Printed in *Andros Tracts* (Prince Society), II. 176. The original is endorsed "Recd. 16 April, 1690," *Cal. State Papers*, 246.

<sup>2</sup> The original paper of the Objections bears this endorsement: "This Paper being presented the 14th Aprill 1690, by Mr. Humphreys and no person being

Brief, and proceeded so farr therin as he thought their Lordships would have patience to heare at one sitting, coppeys of which are herewith sent. On the 17th day we appeared at the Council Chamber, Mr. Blathwait then calling us each by name under the Character of the N. E. Agents: And after our appearance was observed we acquainted their Lordships that we had entertained Sir John Somers<sup>1</sup> and Mr. Ward<sup>2</sup> as our Council, and prayed they might be heard in behalfe of the Colonie. Then our Council proceed[ed] and acquainted their Lordships that according to the Order of that Honorable Board the Matters objected against Sir Edmund Andros and the other Gentlemen with him were delivered to Mr. Blathwaite the Munday before, and supposed the partyes concerned had taken copyes thereof. Sir George Treby<sup>3</sup> and Sir Robert Sawyer<sup>4</sup> appearing as Council on the other side sayd they had; and then Sir George began as it were by way of complaint, and sayd they had been imprisoned and very hardly dealt with for a considerable time, and therby put to great Costs and damages and the like. Sir John Somers replying said, It's true we are properly in this Case on the defensive part, and if these Gentlemen have any thing to charge us with we shall be ready to answer them.

Then Sir Robert Sawyer (the quondam Kings Attorney that prosecuted the Quo Warrantos and Scire facias against the Colonie) verry fiercely enumerated the pretended Crimes that Mr. Randolph had formerly suggested against the Country, and for which he sayd a Quo Warranto and Scire facias had been issued out and Judgment thereupon given against them, and their Charter declared forfeited, and that they deserved far greater punishment than meerly the loss of their Charter Priviledges; but in the close of this stormy Harangue (to prevent his receiving any answer) acknowledged that what he had sayd was forreign to the present Case; whereupon one of the Lords sayd, let us keep to the present matter before us. And then Mr. Blathwat the Secretary was ordered to read the paper of Objections against Sir Edmd. Andros, etc., which after his acquainting the Board when and of whom he received it, he read; then our Council declared that they were ready, and came prepared to prove all or any of those Articles, as their Lordships should please to ap-

afterwards found to sign or own the same, their Lordships would not permit it to be read."

<sup>1</sup> Sir John Somers (1651-1716), Attorney General (1692) and Lord Chancellor (1697).

<sup>2</sup> Probably Edward Ward (1638-1714), who later presided at the trial of Captain William Kidd.

<sup>3</sup> Sir George Treby (1644?-1700), now Attorney General.

<sup>4</sup> Sir Robert Sawyer (1633-1692).

point. Then they were ordered to proceed, and the first Article being read again, and Sir Edmund asked what he sayd to the first part of it relating to the Proclamation,<sup>1</sup> he peremptorily denyed that any such Proclamation was ever emitted by him, and the rest of his Accomplices shewed their Assent to what he sayd by their Reverence to the Board, when he had done speaking. Then the printed Proclamation was produced and delivered to the Board, which most plainly proved the charge, and that under his owne and his Secretary Wests hands: then Sir John Somers proceed[ed] and sayd, we will now prove the second part of the first Article, viz. that Sir Edmd. Andros endeavoured to stifle the news of his present Majesties landing, and caused him that carryed his Declaration thither to be imprisoned as bringing a seditious and treasonable paper; and to prove this, here is first the testimony of the verry person that was imprisoned,<sup>2</sup> which we pray may be read: then the Lord President sayd, but who are they that make these Objections; who was answered that we appeare here in behalfe of the Country that imploy us, and are ready to proceed in proving them. Lord President. But who imprisoned Sir Edmd. Andros and the rest? Sir J. Somers. The Country, my Lord, the people of the place, who being under the oppression of an arbitrary Government did there as we did here, arose as one man and tooke the oppertunity from the News they had of the Revolution here to free themselves from such a yoake, and also secure the country for their present Majesties. Sir Robert Sawyer, with heat and noyse. You say it was done by the people, but it was by the Rabble spirited by the faction to overthrow the Government. Sir J. Somers. It was done just as it was here by a general concurrence of the people of all degrees, and if you will say the Revolution here was done by the Rabble, you may. Mr. Ward. They acted like Englishmen and good subjects, and showed their good affection and loyalty to the English Interest and their present Majesties in securing that country to the Crowne of England, and are no more to blame in that matter than we here in England. Lord P. You say it was done by the country and by the people, that is nobody. Let us see A. B. C. D. the persons that will make it their owne case, and make this charge, that we may know who we have to do with, for that Paper is not signed by anybody. Sir J. S[omers]. We are my Lord in behalfe of the Country, and are employed by the Colonie to manage their concern assuch, and not in the behalfe of any particular persons. That is not our business; and we are ready to prove all these Objections, if your Lordships please, or such of them as your

<sup>1</sup> Printed in *Andros Tracts*, I. 75 n.

<sup>2</sup> John Winslow. *Andros Tracts*, I. 77.

Lordships shall please to order. Then one of the Agents standing just behind the Council to whisper them as there might be occasion, sayd to Sir J. S[omers], if the stick be for that the paper of Objections is not signed by the Agents, we will some of us signe it now immediately, but he replied no, we are in our way, and have attended the direction of the Board; and if they will bring it off thus, they may. Lord P. but who are these persons, we were told that you had Credentials. Sir J. S[omers]. Yes, my Lord, and here they are, then opened your Commission and offered it to be read. Lord P. Who is it from? Mr. Ward. The Colonie of the Massachusetts, my Lord, and under their seale, which plainly shoves the persons that are impowered and by whome, but if the designe be to make particular men espouse this matter as their owne Case, and so render themselves lyable to personal Actions, that would be most unreasonable and unjust, it being the concerne of the Colonie, and not of any particular persons. Lord P. You say true, and may be sure that no such thing would be countenanced by this Honorable Board. Then one of the Lords sayd, I perceive the Revolution was there as it was here, by the unanimous agreement of the people. For who seized and imprisoned the late Lord Chancellor? <sup>1</sup> Who seized the Lords such and such, naming several, and secured the Garrison at Hull, etc. I think we understand the matter well enough, and see no reason why we may not goe forward in hearing the proof. Another spoke to the same purpose, and added that the people were to be commended for what they had done, and desired they might proceed in the proof. Lord P. applying himselfe to the Agents sayd, Gentlemen, here has been a pretty deale of time spent. My Lords will give his Majestie a true and impartial Account of what has been sayd on both sides, and waite his Majesties further pleasure in the matter, and you may withdraw for the present. The verry next day we were told by a person of good intelligence, that Sir Edmund and the rest of them were dismissed their Attendance at Court,<sup>2</sup> and the day after, vizt. the 19th, that they would be introduced by some body to kiss the King's hand, which honor tis sayd they and Mr. Lidgett<sup>3</sup> had the Munday or Tuesday following: the Thursday after, being the 24th, the Lords of the Committee made their Report to the King in Council, which his Majestie was pleased to approve, and then ordered the matter to be dismissed, and Sir Edmund and the rest discharged, and set at liberty, as you will find by the Coppy.<sup>4</sup>

<sup>1</sup> George Jeffreys (1648-1689).

<sup>2</sup> The order is in *Andros Tracts*, II. 173, and again, III. 41.

<sup>3</sup> Colonel Charles Lidgett.

<sup>4</sup> The answer of Andros and his companions is printed in *Ib.*, 178, and was presented on the 24th. It bears the memorandum: "But there being no person

Afterward we pursued our great business, the settlement of the Government, which most friends judged would best be effected by a new Grant: we came in a verry ill time for our business. The Parliament being sitting, and the King preparing for his Expedition into Ireland; However we were in great hopes of effecting it before his departure, but by an unaccountable providence were delayed therein, and so prevented by loosing the verry season. May 25th at night, Mr. Shrimpton<sup>1</sup> came to towne with your honors packet, having laine at Scillie three weekes. The next day we endeavored to present the Address, but his Majestie being extreame busy in his preparations for Ireland, could not be come at; therefore least that and the Express directed to the Earle of Shrewsbury (who was then sick and had also desired to lay downe his place) at the Earle of Nottingham,<sup>2</sup> then and still the only principal Secretary of State, his Office. On the 28th day a Notification was sent us to the Exchange from the Lords of the Committee for Trade, etc., directed as per the Coppy, to attend their Lordships the next day.<sup>3</sup> We went up accordingly, accompanied with several Gentlemen of good quality, and friends to N. E., an Account of which dayes Action and of the several letters from N. E. then read at the Board, your Honor may have from Mr. Shrimpton, Mr. Heath Nicholson and others, which to write would swell this too large. But your Honors will (I believe) have a more full Account thereof by a friend. In the close of this hearing Sir Edmund Andros presented a large paper to the Board, what preceeded being I suppose the more advantagiously to usher in this, which he calls an Account of the forces rayzed in N. E. for the Defence of the Country against the Indians, etc., setting forth his care and paines taken for the security of the Country, and that by reason of the Revolution all his measures were broken, the Forts deserted, souldiers debauched and returned home, and thereupon the Country destroyed by the Enemy, etc., as per the Coppy appears.<sup>4</sup> The next day our Answer (Coppy whereof you also have) was drawne up,<sup>5</sup> and the day following we carryed it to the Lord President's Lodgings and acquainted his Lordship that our Answer to Sir Ed-

found to own or sign the charge presented by the Solicitor for the other side against the Respondents, neither the charge nor this Answer was permitted to be read."

<sup>1</sup> Epaphras Shrimpton.

<sup>2</sup> Daniel Finch (1647-1730), second Earl of Nottingham.

<sup>3</sup> The original is in the Mass. Archives, and is printed in *Andros Tracts*, II.

130 n.

<sup>4</sup> Printed in *New York Colonial Documents*, III. 722, and in *Andros Tracts*, III. 19.

<sup>5</sup> Summarized in *Cal. State Papers*, 274, and printed in *Andros Tracts*, III. 34, from a copy in the Massachusetts Archives. It is dated May 30.

mund's paper was ready, and prayed to know when we might lay it before their Lordships, who told us that the Committee would not sit till the King was gone; who went June the 4th, and therefore sometime afterwards leaft our Answer with Mr. Blathwayt, Secretary to the Committee. June the 12th, upon the Exchange we were served with a [summons] directed to one of their Majestie's Messengers to attend the Lords of the Council the 14th Instant, etc. See the Coppy.<sup>1</sup> That day we attended with some Gentlemen with us, but were not called, but at last referred to the 19th. And then Mr. Randolph offered a large complaint against the present Government of N. E. of their Irregular trade since the Revolution, with a prayer therein for his continuance in the Office of Collector, etc.<sup>2</sup> See the Coppy, which being read was followed with long harangues from two of the Commissioners of the Customes, setting forth that it was the manner of New England men so to trade under their former Government, and that unless the King did send them a Governor again they would never be brought to a due observance of the acts of trade, making large speeches to that purpose, and withall commending Mr. Randolphs care and diligence in his office. We prayed a copy of Mr. Randolph's paper, that we might give our answer thereto, which we doubted not would be to their Lordships full satisfaction, whereupon we were ordered to appeare the next Council day, being the 25th June, vid. Order of Council. An Answer was immediately drawne,<sup>3</sup> and we attended with it that day expecting to be called. The Council once calling for us inquired by the officer at the door whither we were ready with our Answer. We told him we were, but others were called in: at night we were called into the Council Chamber, and told by my Lord President, that they had not time to heare us then, but would take in our Answer that Mr. Randolph might have a coppy of it, and that all parties concerned were ordered to attend the Council July the 2d, and then he sayd they would come to a settlement of the matter. That day also we attended till or within night, having several times given notice that we were attend[ing], to be heard upon our Answer to Mr. Randolphs paper; but the Council brake up without any Order concerning it, and so were dismissed *sine die*: so that neither our Answer to Sir Edmunds nor that to Mr. Randolphs Account were ever read publickly. Captain Sampson<sup>4</sup> came not hither with

<sup>1</sup> See *Cal. State Papers*, 282.

<sup>2</sup> Printed in *Edward Randolph* (Prince Society), v. 33.

<sup>3</sup> Printed in *Andros Tracts*, II. 127, from a copy in the Mass. Archives. It is summarized in *Cal. State Papers*, 287. It was read in Council June 26.

<sup>4</sup> Hugh Sampson, master of the ship *America*. He took over one hundred and forty-four barrels of whale oil towards defraying the expenses of the agency.

his ship til October 9th, who drowned your Honors letters to your Agents when he saw he must be taken. Sir, there has been a wonderful omission of Returning the Coppys of the Bonds of ship Masters according to the Acts of Trade, which I could no wayes excuse, but by the hopes they were drowned; therefore please to order Mr. Addington to be your Honors Monitor for the future, for great advantage is taken against us therby. It will be also N. E's Interest that Colonel Sloughter<sup>1</sup> the present Governor of New York be very civilly treated, who 'tis sayd is a true English man and came over with the King from Holland on that Account, and its most probable may have orders to inspect Matters with you, and make his Report hither: its therefore necessary that he have a right information of things, and the true state of the Country, and that before his understanding be vitiated by the poyson of your N. E. tories, which doubtless they will endeavor to Instill. Sir, I am heartily sorry that my country men have been so unkind to themselves and to your Honor (which I observe in their Election) as [to] deprive themselves and you at such a time, of such helping hands as were both able and willing to serve them: to my certain knowledge Major Richards<sup>2</sup> was a true, faithfull and willing Drudg to his Country from the time of the Revolution till my departure, and is still I doubt not so kind as to give his advice and counsell in all your arduous and difficult matters, tho deprived of his vote therein, and so Mr. Shrimpton: I doubt there was not that due regard had to the Rules of the Charter as ought to be; the due observation wherof would be as well our Interest as security. It was our great unhappyness that your Honors Advice, given the day after the Revolution, for settling the Government on its first and proper Basis was not then attended; and is the opinion of the thinking men on this side the water. Sir, upon Mr. Shrimptons coming to towne we bespake the making of 500 armes in hope to have despatched Welsteed<sup>3</sup> as soon as they were made, but he not coming hither till June the 9th and the French Fleet coming into the Channell within few days after and continuing Masters therof and so of the seas till about the middle of August, when they returned home, and after that a strict Embargo here till our Fleet was fitted and still continuing, prevented his despatch so long that it was judged not safe to venture with his

<sup>1</sup> Col. Henry Sloughter.

<sup>2</sup> John Richards (0000-1694). See 2 *Proceedings*, x. 547.

<sup>3</sup> William Welsteed, master of the sloop *Resolution*, who took one hundred and fifty-two barrels of whale oil, and twenty-five hundred red oak hogshead staves for the agency. He sailed for London April 7. The sloop belonged to Governor Andros. *Andros Tracts*, II. 131; III. 62; 2 *Proceedings*, VII. 154.



sloop in the winter, and is therefore layd up, and the Armes shipt on Captain Prince going on Account of several Merchants, and in part on Account of the Colonie; powder also goes on several ships as Merchandize which we perswaded several friends to ship who do it more to serve the Country than for their owne profit, and Mr. Welsteed is going passenger in Captain Browne.<sup>1</sup> Captain Martin<sup>2</sup> either carelessly or wilfully ran his ship on shoare with his sheet Anchor at the Bow at Margarets August 31, bulged her on the Rocks, made her a wreck and sold her, having much dammaged his sayls and what else was perishable: he had insured his ship, yet keeps out of sight, and its thought so much of his business is knowne that he will verry hardly gett his money of the Insurers, your fifty pound Bill to be sure will faile being payd by him, tho I believe it may be recovered at home, of which more hereafter when better informed. Sir, since the Kings coming home we have been endeavoring to effect our main Concerne, but the great and general concerns of the Nation respecting the present warr, and the preparation for the next Campaign and summers Fleet crowd out our comparatively small one, the Parliament being sitting and busied about that Affaire. We have good encouragement given us by several, but the Issue is with the Lord. It seems to me strange that Plymouth Colonie make no application to his Majestie in all this yeare. They had like to have put into Colonel Slougher's Commission and annexed to N. York Government; pray Sir, to give my service to Governor Hinckley with information therof; my hearty service to Madame Bradstreet, praying her to be kind to the poor widowlike Gentlewoman at my house; the same Mr. Danforth and the rest of the Gentlemen of the Council, begging the continuance of your prayers for, Sir, your Honors most humble servant

ELISHA COOKE.

Sir, yours per Blake who is arrived in some part of Scotland is received this day being the 18th October.

I know your Honor will be surprised at the sight of this letter being in halfe sheets of which I am not a little ashamed, but the truth is that after I had writt it Mr. O[akes] came into the Chamber in the evening and wanting halfe a sheet of paper splitt this, thinking it had been cleane paper, for which he has reason to beg pardon, it being just before it should have been sealed and delivered to Mr. Heath just going and therefore could not be transscribed. I have

<sup>1</sup> William Brown, Jun. or Benjamin Brown, of Salem? <sup>2</sup> *Proceedings*, XIII. 248.

<sup>2</sup> Richard Martin, of Piscataqua, commander of the ship *Blossom*. *Andros Tracts*, III. 62.

herewith also sent Coppyes of Petitions from some Gentlemen in Charlestowne,<sup>1</sup> etc.

[Endorsed] October 10 1690. E. C. to Gov. Bradstreet.

From the same volume is taken

THE CASE UPON THE PATENT OF THE CORPORATION OF  
MASSACHUSETTS BAY IN NEW ENGLAND.<sup>2</sup>

By Mr. Solicitor Generall, 4to Martii, 4to Car. 1.

The Patent doth not onely confirme the right of soile and Tract of ground which was granted to Sir Hen: Roswell and others by the Council of Plimouth but also there is a Corporaçon erected by the name of the Governor and Company of the Massachusetts Bay in New England.

And the common priviledges of other Corporaçons together with this special clause which is twice inserted in the charter, viz. to appoint officers, etc., and to make Lawes and ordinances for the Good and Welfare of the Company, and for the Government and ordering of the said Lands and Plantaçon and the people inhabiting and to inhabit the same as from time to time shall be thought meet, soe as such Lawes and Ordinances be not contrary and repugnant to the Laws and Statutes of the Realme of England.

It is to be observed that the Company have not Jura Regalia granted to them but by virtue of the clause aforesaid. For the Government of the Country they have erected severall Courts to be held at severall times in the yeare and constant officers constituted not onely for the keeping of the peace but to determine civill causes of meum et tuum between man and man, which lawes they digested into a Volumne in the year 1650 and 1651, but had been used from 1640 downe to this Time. But I conceive those Lawes are either defective or liable to objeçon in the Particulars following:

*Defective.* 1. In the Title Capitall Lawes fol. 14. 15. which relate to criminall matters, there is no provision or punishment for high Treason; neither is it soe much as mentioned. Therefore that is necessary to be inserted in the first place.

2. The oaths of Allegiance and Supremacy are not required to be taken in such manner as the Lawes of England direct. This I humbly conceive ought to be provided for as necessary for the obliging the subjects there to their obedience and loyalty to their Sovereigne.

<sup>1</sup> Probably the petition printed in *Andros Tracts*, II. 79, and in Frothingham, *History of Charlestown*.

<sup>2</sup> A MS. in the writing of Edward Randolph.

*Objec̃cons.* 1. The stile of their Lawes, those being compiled in the time of Rebellion, they use the phrase of Common-wealth, which ought to be rectified as well as they did in the year 1662 order that all writts and proces should be made in the King's name, as by law they ought.

2. Under the Title Heresy there are severall Punishments which seem not to be proportionable to the offence, as by Banishment and paines of death. Also a pecuniary penalty for the keeping of Christmas-day, which ought to be struck out.

3. The civil magistrate appointed to marry people, which ought to be done by the clergy.

4. That none shall be put to death without the oath of two or three witnesses, which may be a means for the encouraging of murthers and other great offences.

These Instances are put onely to be a guide to the corporac̃on to pursue the methods and rules the Lawes of England direct and that upon all other occasions and emergencies they may proceed according to the Authority given by their patent, viz. that they must act according to the lawes of England.<sup>1</sup>

Remarks were made during the meeting by Messrs. SANBORN, NORCROSS, J. C. WARREN, CLEMENT, DANA, LONG and MEAD.

<sup>1</sup> An endorsement gives the date, 25 October, 1677.











